SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1956

No. 5

RAPHAEL KONIGSBERG, PETITIONER,

vs.

THE STATE BAR OF CALIFORNIA AND THE COMMITTEE OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF CALIFORNIA

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[fol. A] **IN THE SUPREME COURT OF THE STATE OF CALIFORNIA**

RAPHAEL KONIGSBERG, Petitioner,

vs.

THE STATE BAR OF CALIFORNIA AND THE COMMITTEE OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA, Respondents,

PETITION TO REVIEW DENIAL OF APPLICATION OF RAPHAEL KONIGSBERG FOR ADMISSION TO THE STATE BAR OF CALIFORNIA UNDER RULE 59(b) OF THE RULES OF APPEAL

To the Honorable Chief Justice and the Honorable Associate Justices of the Supreme Court of the State of California:

Petitioner, Raphael Konigsberg, by this, a verified petition respectfully applies for an Order to Review the Denial of the Application of the Petitioner for certification to this honorable Court for admission to practise law in the State of California. The petitioner sets forth the following facts as the basis for his petition for review:

[fol. B] 1. That on or about the 4th day of December, 1950, your petitioner filed with the respondent his application to register as a student of law. Said application was filed on the form prescribed by the Committee of Bar Examiners, a duly constituted committee established by the Board of Bar Governors under, and by virtue of, the State Bar Act (Stat. 1939, Chapter 34, page 347, as amended; Chapter 4, comprising Section 6064, inclusive, of the Business and Professions Code of the State of California).

2. That your applicant, fully, truthfully, and accurately fulfilled all of the conditions and requirements established for permission to take said bar examination in October of 1953.

3. That your petitioner was examined by the committee of Bar Examiners in October, 1953, and passed the said written examination, and thereby fulfilled the requirement of the Bar Examiners in this particular.

4. That on or about the 18th day of September 1953, just

sixteen days prior to the conducting of the said bar examination, your petitioner was advised by the Southern Subcommittee of the Committee of Bar Examiners that he was personally to appear before the Committee. That your petitioner appeared at the said hearing on the 25th day of [fol. C] September, 1953, and was interrogated by the committee, under oath, at this time; that thereafter your petitioner appeared at further hearings with counsel before the Southern Subcommittee of the Committee of Bar Examiners on the 9th day of December, 1953, and the 27th day of January, 1954.

A full, true and correct copy of the respondent's official reporter transcript of each of these appearances is attached hereto and marked as Exhibit "A" and by reference made a part hereof.

That thereafter, on the 8th day of February, 1954, your petitioner was informed by the Southern Subcommittee of the Committee of Bar Examiners, that his application for certification for admission to the Bar in the State of California had been denied. A true and correct copy of this letter of denial is attached hereto as Exhibit C.

That thereafter your petitioner informed the Committee of Bar Examiners that he desired to appeal to the full Committee of the Committee of Bar Examiners and requested a review of the proceedings.

5. That, thereafter, on the 13th day of March, 1954, a further hearing was held before the full committee of Bar Examiners in the City of Los Angeles, and proceedings, both oral and documentary, were taken at this time. A full, [fol. D] true and correct copy of the respondent's official reporter transcript at said hearing is also attached hereto as Exhibit B, and made a part hereof by this reference.

6. Thereafter your applicant was informed on the 17th day of May, 1954, that the full Committee of Bar Examiners had denied his application. A copy of this letter is attached hereto as Exhibit D.

7. This petition to the Supreme Court is for review of the decision of the Committee of Bar Examiners of which the applicant was informed on the 17th day of May, 1954.

8. Your petitioner requests review of the decision of the

Committee of Bar Examiners upon the following specified bases:

1. That the petitioner sustained his burden of proof of establishing his good moral character and all other requirements established by law in the State of California for applicants for admission to the bar.

2. That the committee erred in asserting that the petitioner had failed to meet his burden of proof of establishing his good moral character.

3. That no lawful evidence was received or exists supporting the denial of the application of the peti- [fol. E] tioner.

4. That the committee erred in requiring the petitioner to assume the burden of proof relating to Section 6064.1 of the Business and Professions Code.

5. That the committee erred in asserting that the petitioner had failed to meet his burden of proof relating to Section 6064.1 of the Business and Professions Code.

6. That the Committee of Bar Examiners failed to inform your petitioner of the information which the committee had received "adversely bearing on the moral character of the petitioner."

7. That your petitioner was not given a reasonable opportunity to rebut or explain the adverse information received by the committee.

8. That the failure of the committee to grant to the petitioner the rights listed in (6) and (7) above was a violation of the rules of the committee regulating the admission to practice law in California and, specifically, Rule X, Section 101.

9. That the denial of the application of the petitioner violates the rights of the petitioner under the First Amendment to the Constitution of the United States. [fol. F] 10. That the denial of the application violates the Fifth Amendment to the Constitution of the United States in that it deprives petitioner of liberty or property without due process of law.

11. That said denial violates the 14th Amendment to the Constitution of the United States in that it is an attempt by the State of California to deprive peti-

tioner of liberty or property without due process of law and denies petitioner the equal protection of the laws.

12. That said denial violates the Constitution of the State of California, Article 1, Sections 3, 9 and 13.

Wherefore, petitioner prays that an order be made herein for review of said denial and that upon said review it be adjudged that petitioner should be admitted to practice law in the State of California upon the taking of the proper oath and upon the payment of the necessary fees, and for such other relief as may be proper.

Respectfully submitted, Raphael Konigsberg, Petitioner, Edward Mosk, Attorney for Petitioner.

Duly sworn to by Raphael Konigsberg, juriat omitted in printing.

[fol. 1] EXHIBIT "A" TO PETITION

THE COMMITTEE OF BAR EXAMINERS

SOUTHERN SUBCOMMITTEE

LOS ANGELES

In the Matter of the Application of RAPHAEL KONIGSBERG, Application for Permission to Take Bar Examination

HEARING OF SEPTEMBER 25, 1953

APPEARANCES:

Graham L. Sterling, Jr., Esq., Chairman.
Harold A. Black, Esq., Member of Committee.
Arthur E. Preston, Esq., Member of Committee.
Leroy A. Wright, II, Esq., Member of Committee.
Ralphael Konigsberg, Applicant.
Alma Stayton, Assistant Secretary.
Marion Farrell, Reporter.

Raphael Konigsberg, called as a witness, being first duly sworn, was examined and testified as follows:

Mr. Graham L. Sterling: Would you be seated, please, Mr. Konigsberg. Mr. Preston across the table from you

is a member of the Committee and has studied your file and reviewed it briefly with us. Mr. Wright is on my right, Mr. Black is on my left, and I am Mr. Sterling. Mr. Preston wants to ask you some questions.

[fol. 2] Examination.

By Mr. Preston:

Q. Mr. Konigsberg, in looking over your file it appears you came to Los Angeles in 1936, and at that time you had your A.B. degree and your M.A. degree; that you had attended Ohio Wesleyan——

A. By the Witness: Ohio State.

Q. Did you attend Ohio Wesleyan?

A. No, never.

Q. Did you receive both degrees from Ohio State?

A. Yes, I received my Bachelor's degree in 1931 and my Master of Arts in Social Administration in 1935.

Q. And that since you have come to this area you have been gainfully employed as a teacher.

A. No, not here; not in Los Angeles I have never been a teacher. I was a teacher in Cleveland, Ohio.

Q. Well since graduating from Ohio State and receiving your Master's degree I take it that you have taught school, been a public relations investigator——

A. No, I was a teacher after my Bachelor's degree.

Q. When did you receive your Master's?

A. In '35. You see I got my Bachelor's in '31 and taught in Cleveland right after that. That was in the midst of the depression. They were not hiring teachers so many went into relief work. I became interested in social work. I [fol. 3] decided to go back to school and get work in social work. I was offered a scholarship to graduate school. I accepted it and took a year's training.

Q. Since coming to California what positions have you held?

A. Well the first job I had was offered to me by Miss Mary Stanton who was then the Executive Director of the Council for Social Agencies. That was almost a department of the Community Chest in 1936. It is now known as the Welfare Federation of Metropolitan Los Angeles. The

job she offered me was Assistant Director of the Research Department of the Council of Social Agencies.

Q. What other positions?

A. Well while I was working with the Council I was offered a job as Director of Community Service with the Federation of Jewish Welfare organizations, that was '37, by Mr. Charles Schottland, who is now Director of Public Welfare of the State of California. You want all the jobs in order?

Q. Yes.

A. Let's see. After that job the next one was with the State Relief Administration as Supervisor of one of the districts. As you may recall every county was divided into various districts, and I was Supervisor of the Adams District here in the City of Los Angeles, and after being fired from that job for the reasons indicated there, then I went [fol. 4] to work for what is now known as the City of Hope, and was at the Sanatorium in Duarte, California. It is just about thirty miles out from here. And well then I enlisted in the Army. Let's see, that job began in, I think it was January, 1940, as I recall, and in '42, I think '41, I ended that job. I was only working about a year when I was called into the Army, I enlisted in the Army, and received a direct commission in August of '42 as a Lieutenant of the U. S. Army. Well then I was discharged from the Army in April, I think it was, of '46 and went back to my job back at the Sanatorium out at Duarte again, and the job there before I went in the Army I was the Assistant Executive Director. When I came back from the Army I was Director of Social Service at the Sanatorium. As you may know, gentlemen, the city office here is just the administrative office. All the operations are out at Duarte. So I was working out at Duarte and not in the city, and I worked there from the time of my return from the Army in April of '46 to December of 1949 or the first of January I think my termination date was of 1950, and I was dismissed there for the reasons I have given, over a professional issue. May I take just a half moment to explain this?

Mr. Sterling: Yes.

A. I think if you are familiar with the social work profession there are various standards just like every other [fol. 5] profession has, and this institution which was dependent upon contributions to give free service was in financial straits and thought that one way of raising money would be to charge for admissions, which they hadn't done before, but they wouldn't do this or couldn't do this public relations-wise as it would hurt contributions, so they wanted me as Director of Social Service to state that all these applications had been passed on by my department as a social worker and were therefore eligible because they were indigent, giving the impression that they were eligible to come into the Sanatorium, and everything was on the up and up professionally speaking, but actually they didn't want the applications to come to my department; they would come to the Finance Department, the Fund Raising Department of the Sanatorium and would simply as a formality have me appear before their Admissions Committee to say everything had been okayed. There was an unprofessional thing, and I would have no part of it. I refused to be a party to it, and they dismissed me over that reason as will be verified by many prominent social workers in town. It can be verified by them.

After I was fired there at the end of '49 or the beginning of 1950, I, to use a common expression, was fed up with social work if that was the kind of situation you met with. I was interested in law. I planned after I came to Los [fol. 6] Angeles to study at night. It didn't work out. I had been in the Army and had a growing family and couldn't do it right away. Since I had the G.I. Bill available to me at the time, and they gave me substantial severance pay from the Sanatorium, I decided this was the time to go ahead and study law. That is what I have been doing.

Q. By Mr. Preston: Were you gainfully employed after you left the City of Hope in January of 1950?

A. Well, yes and no. That is I assisted a friend of mine, Mrs. Bass. I really can't claim I was gainfully employed. She was running a losing proposition, a weekly newspaper.

Q. What was the name of it?

A. California Eagle, and since I had already registered at S.C. and had been accepted, and was waiting until school

opened in September—at that time they wouldn't accept people in February; they did the following year, I believe, but they wouldn't admit any beginners in February—so it was a matter of marking time until September, so I helped her for about three or four months, perhaps a little over three months.

Q. That was in 1950?

A. Yes, just before school.

Q. What did you do on the newspaper?

A. Oh, I assisted her with the management aspect and [fol. 7] also wrote a weekly column. I don't recall if I did it every week, but most of the time I did. I had been doing a similar thing without salary too for the California Jewish Voice while I was at the Sanatorium, and I as I indicated had also done while at college, that is in the book review field. I had been interested in newspaper work. In fact I had once had the thought of journalism as a career but gave that up.

Q. Mr. Konigsberg, I hand you twenty-one photostatic copies of what appear to be photostatic copies of the editorial page of the California Eagle. I observe the same name as yours on a column on each of those photostats. Is that the article or are those some of the articles that you referred to? (Handing documents to witness)

A. This looks like the editorial page of the Eagle. Without reading them I wouldn't know if they were the exact articles I had written.

Q. Also I hand to you seven photostatic copies which you will find are photostatic copies of certain issues, certain of them, certain of them were small photostats. Some of them were enlarged while photostated. Would you glance at those too. (Handing documents to witness)

A. I don't recall all of these, but this is the type of thing I did write, yes.

Q. And if you will observe in the twenty-one photostats [fol. 8] I first handed to you those run from the dates July 28, 1950 to, I believe, the end of December, 1950. Will you examine those and see if that was the time when you were writing for the California Eagle.

A. (Examining documents) Yes, but you see I wasn't working for the Eagle all this time. In fact I think even after I started law school I was writing some of these on

week-ends and handed them to her. I wasn't employed all this time.

Q. See if I understand it correctly. You were employed perhaps for three or maybe four months for the California Eagle?

A. I think I started writing for her long before, not long before, but sometime before I went to work for this short period just until school opened, just on a volunteer basis. I was never paid.

Q. I gather some of those articles were written by you before you were employed, and some after you were employed.

A. Yes.

Q. Were they published with your consent?

A. Oh yes.

Q. Your name was used with your consent?

A. Yes.

Q. Would you glance at those Mr. Konigsberg, and while these large photostats are copies of seven of those there [fol. 9] are about fourteen of those which haven't been enlarged, but I think you will find entirely legible. Will you glance at those and see if they are copies of articles you permitted to be published over your name.

A. (Examining documents) Well, you have marked here which ones are enlarged? What is it you want me to answer?

Q. To merely see if those documents you hold in your hands, which are the twenty-one photostatic copies, are in fact accurate photostats of the pages of the California Eagle which they purport to be. The date is on the top of each one.

A. Yes. Well I don't know that these are the accurate photostats. I say they look like the editorial page of the Eagle as it used to look when I was with them. What way would I have of telling this was the exact photostat or not?

Q. To see whether or not you actually wrote the article is what I am driving at.

A. As I said before I wrote this type of thing. Now whether these are the exact ones, I don't know.

Q. Do you have copies of what you wrote in your private papers?

A. I have some of the columns that I wrote, yes.

Q. Would you glance through there and tell us whether or not you recognize any of those that you now have.

[fol. 10] A. (Examining documents) This one I have open here, this one about the Board of Education here in Los Angeles, I believe that I wrote something of this nature, yes.

Q. Will you glance at the rest of those.

A. Of course this is over three years ago, and I don't recall all that I may have written. What I can say is this is the type of thing we commented on in the Eagle.

Q. And from your examination you wouldn't say that those weren't the articles you wrote and authorized to be published under your name, would you?

A. I wouldn't say they weren't, and I wouldn't say they were. I would have to see the original paper, wouldn't I, strictly speaking, to determine whether this was the exact copy?

Q. That is a photostatic copy, Mr. Konigsberg. It is a photograph of the editorial pages of the Eagle on the dates which are at the top of the paper from July 28, 1950 to the end of December, 1950.

A. Well, as I said before this is the type of comment, the type of thing, that I was writing while I was there with the Eagle. It was also the type of thing I was writing while I was with the California Jewish Voice, and I might add this is the type of thing I was writing, very much [fol. 11] similar to it, while Orientation Officer for the Army and the Army orientation pamphlets I was writing. I don't recall whether the application form asks for details about military experience, but I was the Orientation Officer for the entire 7th Army in Europe. I was in that program for a little over three years as a Captain, and my job was to prepare discussion outlines on political issues, because as you may know the Army orientation program is a political education program, and General Marshall had Orientation Officers appointed in each of the Armies. I was the one in charge of this program in the 7th Army in Germany and France, and regularly not only did I write this material for the discussion outlines, but I also edited three Army newspapers for the Army, that is the 7th Army, in which this type of material was prepared.

Q. Did anyone else ever use your name in writing for the California Eagle?

Q. I have no way of knowing.

A. Did you ever know of anyone else using your name in writing for the California Eagle?

A. No, I can't say that I did know of anyone else using my name. I have no way of knowing.

Q. But you never noticed any such thing while you were doing some work either on a voluntary basis or otherwise during the last half of 1950?

A. No, I can't say that I did.

[fol. 12] Mr. Preston: Mr. Chairman, I would suggest that these photostatic copies be marked as exhibits and included in the file.

Mr. Sterling: All right.

By Mr. Preston:

Q. Mr. Konigsberg, you said you wrote the same general type of material for the California Jewish Voice?

A. Yes.

Q. When was that, during what period?

A. During the period I was working for the Sanatorium. Let's see, that would be, well I left the Sanatorium the end of '49, but I stopped writing for the Voice about a year or so before that. I think it was once every two weeks. This was also on a volunteer basis for the Voice.

Q. That would be about the end of 1948?

A. Somewhere near that.

Q. And I assume you commenced that writing about the middle of 1946?

A. I don't really remember when I began.

Q. Did I understand you correctly to say that you came out of the Army in about the middle of 1946?

A. It was March or April, March I think it was in '46.

Q. It was shortly after you came out of the Army that you commenced writing for the California Jewish Voice?

[fol. 13] A. I don't think it was too long after. I don't remember. I went to work right away back at my old job at the Sanatorium. I don't remember how soon afterwards I started writing for the Voice.

Q. What were the names of the three Army newspapers you said you edited?

A. There was the first one— Let's see if I can remember the names now. I can tell you the stations where it was. The first one was in the Fort Devins General Hospital which was in Fort Devins, Massachusetts. This was a mimeographed Army orientation bulletin which I prepared practically the whole thing each week. These were all of course weekly publications. Then when I was in Africa with the Second Convalescence Hospital, it was part of the 7th Army, I don't remember the name we gave it—Oh yes, the Duffle Bag. The one at Fort Devins, I don't remember the name of that one. And then the third one was from the Headquarters of the 7th Army at Heidelberg, Germany. I don't remember the name of that one. I have some copies of it at home though. I think it was called I and E, Information and Education News.

Q. Would you care to submit those copies you have home for our examination?

A. Yes.

Q. If you will, please.

A. I will be glad to.

[fol. 14] Q. In the routine examination, Mr. Konigsberg, I assume that you know all applicants get a routine examination.

A. Yes.

Q. We obtained a press clipping to the effect that you had been subpoenaed before the Senate Fact Finding Committee on Un-American Activities.

A. No, not the Senate Committee. As I wrote in my application it was the House Un-American Activities Committee.

Q. I was referring to the State committee sometimes known as the Tenney Committee.

A. Yes, the State Senate Committee, that is right. I appeared before them, I don't remember the date either, about '47 or '48 as I indicate on my application, before the Tenney Committee, yes.

Q. Did you state that in your application?

A. Yes. Also the Dilworth Committee which I think was a sub-committee of the Tenney Committee.

Q. Dilworth?

A. Dilworth Committee.

Q. Did you testify before them?

A. Yes, I have that.

Q. Did you happen to have a copy of your testimony before that committee?

A. No, sir, I didn't have it. The committee never gave [fol. 15] me any, and I had no copy of my own.

Q. Did you present them with any written statement?

A. I don't remember. I am pretty sure I didn't present one to the Dilworth Committee. I may have to the Tenney Committee, but I don't remember.

Q. We have a copy of what appears to be a statement handed to the Committee by you which we obtained upon checking after reading the newspaper clipping, also on the top of that you will observe what appears to be a copy of a letter from you to the Tenney Committee. Do you have any recollection of writing the Committee such a letter?

A. (Examining documents): Yes, I do remember this.

Q. Will you glance at the statement attached to that?

A. This is the statement I was referring to that I gave to the Tenney Committee. At least it looks like it. Do you want me to take time to read it?

Q. Look it over and tell us whether that is the statement you submitted to the Tenney Committee.

A. (Examining documents): Well, there are a number of errors in it, typographical errors, but this sounds like the statement I may have handed to them. How can I be certain having written this, if I did, three years ago, no, five years ago, that this is an exact copy? I don't know. [fol. 16] You say this is the original statement I handed them?

Q. No, that merely purports to be a copy of the statement you handed to them. You will observe in that first letter——

A. Here. (Indicating)

Q. The one that you wrote to Senator Tenney, I believe, in September, 1948.

A. Yes.

Q. That you were referring to typographical errors on the first page. Do you recall whether those errors were in your copy or in a transcribed copy?

A. I don't. I don't think I ever saw a transcribed copy. You mean of the hearings?

Q. Yes.

A. I honestly don't remember. I don't think I saw any copy of the Committee hearings, and yet, well that raises the question what errors was I referring to. It must have been some copy they made of the statement I handed them.

Q. That is the reason I asked the question.

A. I really don't remember what copy I was referring to where these two errors appeared unless I saw some kind of statement. I don't remember seeing it.

Q. The errors that were referred to are properly described as typographical errors. I noticed one was "war" [fol. 17] and should have been "way." It makes no sense if it is war.

A. That is the one I referred to here.

Q. And there are a couple of other typographical errors of the same type in the statement. Did you notice them?

A. Yes, as I looked through it now.

Q. Except for those obvious typographical errors would you identify it as the statement you handed to the Tenney Committee on the occasion of your hearing?

A. I can't honestly say that. I don't remember since it was five years ago. As I said at the start I recall handing them a statement. Whether this is the detailed statement I just don't remember for certain. I don't remember what I told them five years ago.

Q. From what you have read would your best judgment be it is a copy of that statement?

A. Well I can't say that either.

Q. Do you have in your personal effects a copy of the statement which you handed to them?

A. No, I don't. I know that because I was looking for a copy when the application asked the date; when I thought I had to put the date of the hearing, I wanted something to indicate what the date was, and I couldn't find anything that would give me the date, and if I had a copy I would have had this date on there. So I just do not have a copy. [fol. 18] Q. May I see the statement? (Examining document) Do you recall whether or not you had your name on the top of the statement that you handed to them?

A. No, that I don't know. That is the form of the statement?

Q. Yes, as you handed it into them.

A. No, I don't remember.

Q. Were you in the U. S. Army for three and a half years?

A. Yes.

Q. In the United States, Africa, Italy, France and Germany?

A. Yes.

Q. As an Orientation Officer?

A. Yes.

Q. Responsible for the political education of thousands of our soldiers?

A. The program I was responsible for served some 400,000 men in the U. S. Army.

Q. "In my last post, with the rank of Captain, I was the chief orientation officer for the (blank) U. S. Army in Germany supervising the program for over 400,000 soldiers." That blank was referred to in your letter as a fill-in for Seventh?

A. Seventh U. S. Army.

[fol. 19] Q. Have you looked through any other parts of this? Let me read another sentence and see if you can recognize this, picking it at random at the bottom of Page 2: "You deliberately manufacture the Red scare—a tested Hitlerian technique—to conceal your own reasonable failures to meet our people's needs, to divert our attention from your ultimate purpose: to oppress and enslave Americans and dominate the world." Do you recall that?

A. No, I don't recall making that statement, but it is not inconceivable that I could have made such a statement since this was the sort of thing we were discussing in the Army orientation programs, and this is, according to the date, shortly after I returned from the Army.

Q. You remember saying something like this, again picking a statement at random here on Page 3: "As a Jew, I accuse you of planning an America in which my people can find no security. You are capable of doing to us what the Nazis did.

"As a veteran, I accuse you of betraying all the promises

our government made to Americans when we went to war." Do you recall making a statement like that?

A. I don't recall making that statement. If it is in that record, if this is a true copy, I may have made the statement. I don't recall making it.

[fol. 20] Q. Is that something of the same type of statement that you made in these publications while you were Orientation Officer?

A. Yes, it would be very similar to that. I wonder if I may take a second to explain the orientation program.

Q. Yes.

I think that would help, and because it was the experience that I had in the orientation program as an Army officer that impressed upon me the importance of many of these issues that I have been discussing in these articles that you are referring to from the California Eagle, for example. You see, when General Marshall—and I had personal experience with this because I was in the Army at the time at the hospital where the wounded were coming back from the first North African invasions, and we were told this by General Pillsbury, who was then the Commanding Officer of this particular hospital I was in, rather Army post—saw that the greatest single cause of casualties of these people coming back from Africa was due not to enemy gun-fire or illness or accidents, which as I understand were the three general causes or three most general causes of casualties, but due to mental breakdown of the G.I., he sent a team of experts, Generals and psychiatrists and psychologists, to North Africa to determine what the reason was, and these men came back and told General [fol. 21] Marshall the reason so many G.I.'s were cracking up was because they just didn't know why they were fighting, they didn't know why they were asked to give their lives. They told them the G.I. had to be educated so they would understand why this country needed them, and why as a citizen he had to give his life if need be for the protection.

As a result of their recommendations this Army orientation program was developed, and many of us were picked out of various ranks. I was the Commanding Officer of what is called the Detachment of patients who had had either public relations experience or teaching experience,

and was asked to give series of lectures there at the school for the wounded G.I.'s, of those coming back from North Africa. As a result of this experience, because the Commanding General there and the others in charge of the First Service Command in Boston, which we were part of, felt I was doing a good job they sent me to the Army Staff Training School at Lexington, Virginia, Washington and Lee University, where we were given a very intensive course in the political objectives of the war, and that in essence is what it was, and that these political objectives were to be impressed, indoctrinated into, if you will, to use the language of the Headquarters, into the G.I.'s so they would understand why they were being asked to make these sacrifices.

[fol. 22] After I completed this course at Lexington, at Washington and Lee University, I was then sent overseas and first landed in North Africa with the 2nd Convalescent Hospital and was made the Orientation Officer there, and my job there was in effect a continuation of what I was doing at the hospital in Fort Devins, first to lead discussions. We had regular discussions every day with different groups of G.I.'s, of course, but each group would come at least once a week, and also with the officers, because this program applied to officers as well as enlisted men, and not only lead discussions but to train discussion leaders so others could spread out and lead discussions, and also to write discussion outlines and to edit these papers I referred to. I remained with the same outfit, the 2nd Convalescent Hospital, when we went into Southern France, and while there we were stationed near I don't remember what town, but we were stationed there for a while, and from there I went to the Headquarters in Germany, then Auxberg, later Heidelberg, was made Captain and made Orientation Officer for the whole 7th Army, in which job I had to do various things, of which editing the paper was just one of the minor things. I set up and organized and picked a staff to train discussion leaders at regular schools, in which G.I.'s were pulled in from units all over the American zone and trained as discussion leaders, and to do other functions [fol. 23] such as writing discussion outlines and preparing these various bulletins that we used, and then whenever

necessary to lead important discussions at the Headquarters itself which I would do personally as the officer in charge, and then to go to various units all over the American zone and lead discussions with officers and men.

Now I was very much impressed, obviously profoundly impressed with the importance of this work, because as General Marshall pointed out, and in many of the publications we got as part of the orders to continue this program, and General Eisenhower at the time also sent us many instructions that it was not enough even to help the G.I. understand why he was fighting there, he had to be taught that when the shooting was over he had to carry on his responsibilities as a citizen when he got back home. Well I believed that then and I believe it now very strongly, and that recent history has demonstrated to us there and elsewhere in the world that a totalitarian form of government can take over if the citizens aren't alert, and it is obvious from my record even long before the present period I have always tried to be an active and responsible citizen, whether it was in working for a playground in my community or as I have been a candidate for the School Board twice in this community, or as Mr. Tenney refers to there in this hearing I was on the Board of the California Labor School [fol. 24] which is now defunct, and in such activities I have tried wherever possible, in campaigns, for example, far back in the campaign with Governor Olson, and in recent campaigns in our district I was a candidate for Assembly in 1950, I have felt it was a vital responsibility to help preserve the gains we made by this victory over the forces of the enemy during World War II, and it is in carrying out that responsibility that I have done these other things.

And it seemed to me that I was simply continuing as a civilian what I had been taught to do, and I felt very much it was the right thing to do to carry out my responsibilities first in the Army and then secondly as a civilian after the Army. The distinction wasn't too great being a civilian or being in the Army, we are fighting for the same thing. In one you are in uniform and in the other you are out of uniform. That very simply is the explanation of this. To me this thing has been a matter of basic principle. I know and am not being naive about it, and not assuming you gentle-

men are naive about it, I know that in view of the temper of the times today that many people would look with disfavor upon comments such as those referred to here, but remembering the effect of three and a half years of Army indoctrination of this thing—and I say it in a very favorable way; I don't mean Army indoctrination in an unfavorable [fol. 25] way—this is a thing I should have been taught, that I was glad to learn and glad to carry on. I realize that these things look differently today in the light of the temper of the times today, but I still feel very strongly that an individual, if he is at all active as a citizen as I tried to be in all my adult life, and as you know I am older than most law students, I am now forty-two, I started my study very late, that a person who is active or has been active—of course I have not been able to do anything for the last three years because all my time has been devoted to studying law—that when you have all kinds of suspicions circulating in communities that inevitably it is the person who has been active who is suspicious. Otherwise whom else would they direct suspicions to?

So that simply is a very obvious and honest explanation of the attitude that I have expressed not only in material such as this, but in public speaking throughout the community on various occasions. All of this was done without any pay, simply as a part of my duty as a citizen carrying out, as I said before, things that I felt bound to do as an officer in the Army and as I enlisted to do, because as you can easily verify the President of the Sanatorium I was working with at the time, that is the City of Hope, tried to get me excused from the Army—deferred is the word—after I enlisted, but I refused to accept it. I was even offered double the salary to stay with the hospital. On the [fol. 26] basis of being Administrator of the hospital I undoubtedly could have been deferred. Many such people were being deferred at that time. I insisted on going in. I felt it was my duty to. That is the explanation for this.

Mr. Sterling: I take it, Mr. Konigsberg, the totalitarian form of government is repugnant to you.

A. Very definitely.

Mr. Sterling: I assure you I don't want to get into a debate on the subject, but the thing that strikes me about the

editorial line expressed in your writings in the Eagle is that it is not anti-communist, and I should think you would now realize that the communist government as it exists in Russia is a totalitarian regime and that therefore you would *be anti-communist* in your orientation of the citizen.

A. I grant you. This is, of course, the thing I was referring to a minute ago. During the period these articles were written, as I said this is the type of thing I wrote. I can't swear it is the exact thing I wrote obviously. During the time these were the issues that were bothering the people of the country, at least as I saw them. I dont' have access and neither does any other private citizen have access to all the information our responsible leaders have, and so on. The issues that I commented on were of course those that [fol. 27] seemed important to me at the moment, and I could repeat a thousand times I am antagonistic to a totalitarian form of government, but when you have a weekly column, not a daily column, and a very limited one—I think my limit was 200 or 250 words—you can't cover all of the situations, and if you will note this, plus the material I said I would bring in, these Army newspapers that I had that I edited and wrote for, you will see that it is simply a continuation of this, the same very issues. As a matter of fact we were very definitely instructed in the Army, I have this statement or the printed memorandum signed by General Marshall and Eisenhower which points out the role that Russia at the time was playing as an ally. For example I remember specifically getting quite a reaction from the G.I.'s when discussing Russia's role in the Finnish War, over the signed signature of General Marshall we were instructed to tell the G.I. Russia's role in the Finnish War aided us because Russia would be stronger and would therefore be stronger as an ally during World War II which followed shortly after the Finnish War. You can see for over three years this sort of thing I was writing about and being instructed to talk and write about. I don't say in a sense I did it reluctantly. I accepted it as the truth. I believe it now as the truth. The fact that certain groups changed their views on what was accepted as the truth about the Soviet Union or Russia, whatever you choose to [fol. 28] call her, that doesn't change the basic nature of

certain facts or conflicting views. I have nowhere advocated—and I think if this is a complete listing which I don't know of the articles that I wrote—anything but the strengthening of the democratic government.

I might refer you to the latest thing I have written which is on file at the U.S.C. Law School. It is a fifty-nine page paper on Justice Black's opinions, dealing not with this issue but related issues, opinions on free speech and so on during the present period in which the thinking is just the same.

Mr. Sterling: Don't you see some analogy between Germany's invasion of Poland and North Korea's invasion of South Korea and subsequent events with the Chinese Communist support of North Koreans?

A. May I repeat it? You mean Germany's invasion of Poland?

Mr. Sterling: Don't you think that the Korean business was an indication of aggression by a form of government which appears to be totalitarian?

A. You mean whether it is really the Russians that invaded North Korea, that came through North Korea?

Mr. Sterling: The Chinese.

A. Frankly I am not convinced that is what happened. It may be so that North Korea invaded South Korea. I [fol. 29] am not convinced some foreign nation invaded South Korea. I think you are saying they sent troops into South Korea to invade.

Mr. Sterling: Not troops, but material support.

A. There may have been. I thought you were referring to an actual army. There may have been material. I think they made the statement at one time they were furnishing supplies, did they not?

Mr. Sterling: I don't know.

A. I think they stated that.

By Mr. Preston:

Q. Mr. Konigsberg, as I recall one of these editorial it in effect talked about the liberation of the countries in Central Europe and criticized the complaint of certain newspapers and forces in this country accusing the Soviet Union in effect as engineering the take-over of the countries in Central Europe. As I understood your article it was in defense of the so-called liberation of the Central European countries such as Czechoslovakia and so forth. Do you recall that?

A. No, sir, I don't. Do you have it here? May I just have a drink of water, please.

. . . A ten minute recess was then taken . . .

By Mr. Preston:

Q. Obviously the article I referred to is in one of the small mimeographs, and I have not yet located it.

A. I just don't remember it.

[fol. 30] Q. Would you put that in that same category?

A. Which category?

Q. Of political education. I gather what you have told us is that you are endeavoring to carry on a political education to protect now the civilians from any kind of a Fascistic control.

A. What did you say, I am carrying on a program?

Q. By these articles. Is that what you intend to do?

A. Are you referring just to the articles or what I have been saying about my activities in general?

Q. I was referring now to these articles.

A. I had no specific program in mind. I just felt as a citizen I was expressing my views, and each of us has a responsibility to inform others or try to inform others or help others understand the basic issues of the time, not on the basis of any formalized program, if that is what you mean.

Q. I had in mind the object you were trying to accomplish.

A. The object of the Army educational program.

Q. Now civilian?

A. But not a formalized program. What I mean is

simply that when the occasion arises I think a citizen has a duty to express his opinion if the situation warrants it. You don't get on every street corner and spout your opin-
[fol. 31] ion, but in a club meeting or private conversation, and in this case I had the opportunity with the newspaper simply to express my views.

Q. Mr. Konigsberg, to whom is the California Eagle largely distributed, do you know?

A. Primarily to the Negro people in Los Angeles. Of course this was so then. I don't know what the situation is now.

Q. Referring to the period of 1950 when you were familiar with it that was true?

A. Yes.

Q. Do you recall your editorial headed, "The Gangsters, Incorporated", under your name which appeared in the California Eagle on October 5, 1950, one of the large photostats I showed to you?

A. I don't recall the contents. (Examining document) What is your question about this one?

Q. Do you recall it?

A. The only thing I can say with respect to any specific column is this is the type of thing I was writing. Whether this is the actual one, I don't know.

Q. It puts over the general idea that you were espousing, is that correct?

A. Well when you say general idea, what do you mean, this educational concept that I had?

Q. Yes.

[fol. 32] A. Well I think one can say that.

Q. And from having glanced at the article you would say that is one you might well have written during that period?

A. Yes.

Q. Do you believe that that is helpful education to the citizenry generally?

A. Well the basic idea here from a quick glance at it was that the criminal element is not only those that rob, kill and so on and so forth, but those who steal from the people in the way of large sums by appropriating them to people who are not friends of America. Let me refresh my memory. Of course I don't recall all that is in it. That

we the people are deprived, as I say here, of even half of the standard of living, or when people are underpaid or the toll that prejudice takes between people, for example, you have often heard it said that the cost of prejudice against the Negro people is a financial one as well as political and an economic one because of the degrees in efficiency; generally loss of living standard, loss of citizenship of groups involved and so on. That type of stealing is what I was referring to, a deprivation, lowering not only of living standards, not only of economic standards, but the political standards, not raising the level of political and social relationships in a community. This is the type of thing, as I [fol. 33] recall, I would say. Is this what you mean?

Q. Yes. What I frankly am trying to ascertain is understand your viewpoint. I trust you will appreciate that while you have been doing some of these things without pay as your sense of duty, so the members of this Committee without pay are obliged to check into things of this nature and I referred you to this editorial, "The Gangsters, Incorporated", to ascertain whether or not you felt that this was a beneficial bit of education, something that would help America, help its citizens.

A. I may have felt that at the time.

Q. Do you still feel that way?

A. I would say that I still feel that any deprivation, any lowering of living standard, any deprivation of civil liberties is a loss to America, yes, any act, official acts or even unofficial acts. For example, just this morning in the course in Constitutional Law we were reviewing and it was pointed out in the case of Marsh vs. Alabama where people were denied the right to congregate—this was a religious freedom case—on the streets of a company town, and the discussion which followed this review course I am taking, it was emphasized that the holdings of the Supreme Court of recent years have been that any deprivation of rights, whether in a company town or whether it is prevention, for example, of adequate representation on juries of Negro people or in school systems, in the actual school facilities, [fol. 34] that all this is a loss to American democracy, and I do believe that.

Q. Let me be specific and just read here, pick out of the middle here a couple of paragraphs.

A. Just picking out a paragraph from the context isn't always . . .

Q. I will take the whole paragraph. I will take two of them: "Not all the criminal gangs in American history put together were as great a danger to our country's welfare as are the generals who today urge that American youth be trained as 'killers'. No thieves were ever so corrupt as the Hoovers and Harrimans who say that to preserve the 'American way of life' we must choose guns instead of butter—who spend millions in poison gases and not a dollar for a cancer cure.

"None of the murders have been so sinful as a Dulles who uses religion to champion the anti-Christ. None such a threat to our security as a U. S. Attorney-General who denies us the right to bail and tells brother to spy on brother." Now that is two paragraphs taken from your article as indicated. What I am asking you is do you feel that that is the proper approach educational-wise for a person who seeks to be a member of the Bar? I am just trying to get your personal view. I am not criticizing. I am just asking.

A. Well as I say I don't recall what my thinking was at [fol. 35] that time when I wrote it, but I would question that today in view of what has transpired since.

Q. I notice at the bottom of this editorial it has in large letters "ACCOMPLISH YOUR MISSION! SIGN THE PEACE PETITION!" To what peace petition does that refer, do you recall?

A. That I don't recall. There was a bunch of peace treaties.

Q. This was in October, 1950. Wasn't that the circulation of the Stockholm Peace Petition?

A. I don't recall. There were several peace petitions, one after the other. It may have been that one, but I don't recall that specifically.

Q. You have referred to the fact that you testified before the so-called Tenney Committee here in California.

A. Yes.

Q. Do you recall being asked as to whether or not you ever participated in the activities of the California Legislative Conference?

A. I don't remember that specific question.

Q. Did you ever participate in the affairs of the California Legislative Conference?

A. Just which is the California Legislative Conference? There were a number of organizations that had similar names.

[fol. 36] Q. It is the one that had the publicity as being a communist dominated organization. Taking you back to the time of your testimony which you have identified as being back in, I believe you said 1947 or 1948, this record indicates you testified September 7, 1948 in the State Building here in Los Angeles.

A. Well I don't recall what work the California Legislative Conference did. There is an organization now the California Legislative Conference. Is this the same one? As I recall there were several organizations with similar names.

Q. California Legislative Conference, the time is September, 1948, this is the answer the record indicates that you gave: "It is a matter of public record I participated in the Legislative Conference, and I gave a report there." Does that refresh your recollection?

A. No, it doesn't. I don't remember that.

Q. You don't remember it?

A. No, I don't. As I say I was active in various ways. I just don't remember that incident or that organization.

Q. You a moment ago mentioned work in the Labor School, was it?

A. California Labor School. This was not work there but I was on the Board.

Q. On the Board?

[fol. 37] A. Yes.

Q. The Advisory Board?

A. Yes, I think it was called the Advisory Board. Of course it is now defunct.

Q. Is that the same Labor School that was characterized by the Tenney Committee as being communist dominated?

A. Well that may have been. Mr. Tenney characterized a lot of things as communist dominated.

Q. Had that been so characterized while you were still working there?

A. That I can't honestly say, because right after that

hearing the thing folded up, the hearing at which I testified. I don't think it was in operation after that. At least I was never called to a Board meeting.

Q. Have you ever heard of the People's Educational Center?

A. Wasn't that the California Labor School?

Q. I believe it was a separate group.

A. No, I don't recall a separate organization by that name. California Labor School at that time had classes for trade unions downtown, and I don't recall any separate organization. Was this a division of the Labor School?

Q. No, People's Educational Center.

A. Then I don't know.

[fol. 38] Q. Do you recall being asked this question: "Q. They are also in Tom Clark's list as a Communist organization." That is referring to the prior questions. Here is the question in context: "Did you ever hear of the People's Educational Center?"

Your answer: "A. Yes sir.

"Q. Were you ever a lecturer there?

"A. I was very proud to be a lecturer there.

"Q. When did you lecture there?

"A. I don't recall the exact date.

"Q. Was it in the fall of 1947?

"A. It may have been.

"Q. How long ago?

"A. It was sometime in the past year."

Do you recall that?

A. No, I don't recall that.

Q. One more question and answer:

"Q. What did you lecture about?

"A. I lectured about my observations in Germany and what the Fascists did in Germany and what they are trying to do in the United States."

Do you recall that?

A. I don't recall that experience at all.

Q. Do you know who—

A. I don't remember that there was a separate organization called the People's Educational Center.

[fol. 39] A. Who was Sidney Davidson?

A. I don't know.

Q. Don't you recall Sidney Davidson?

A. No, I don't. May I ask is it made clear this P.E.C. was a separate organization of the Labor School?

Q. No, it is a separate question, and it appears to be a separate organization. You have no recollection of it?

A. No, I don't. I don't remember any separate organization by that name.

Mr. Wright: Did you ever teach at the California Labor School?

A. No, I never taught at the California Labor School.

Mr. Wright: Lectured?

A. No. As indicated I think once, was this shortly after I referred to the period shortly after I came back from the Army? At that time in various places over the community, maybe a half dozen places, I gave a report on my experiences in the war. I think as a result of the articles I had written or was writing for the California Jewish Voice several people called up and asked for this columnist to come and speak, and that is why I say I don't remember any separate organization P.E.C. I remember speaking at several places about my experiences in the war.

[fol. 40] Q. By Mr. Preston: Do you have any copies of the California Jewish Voice and the articles you wrote?

A. No, those I never kept.

Q. Do you remember that Mr. Tenney asked you this question:

"Q: Have you ever been or are you now a member of the Communist Party?"

A. Oh yes, he undoubtedly asked that.

Q. Did you answer the question?

A. I don't remember what I told him then to tell you the the truth. I probably did not answer. I probably didn't. I don't remember.

Q. Well, frankly, so we won't waste any time I don't think you did either, but there were lots of words.

A. This was in '48?

Q. This was in '48.

A. I don't remember exactly what I said. I don't think I answered.

Q. I assume that you are acquainted with the State

statute that we now have on our books where among other things we are obliged to inquire into this type of a thing, and where we find that any people appear to have the views of endeavoring to change our government and so forth by force or violence, or in other words the popular conception of communism that we are expressly prohibited from certifying that person. You are familiar with the statute?

[fol. 41] A. Yes, I am.

Q. Mr. Konigsberg, are you a Communist?

A. Mr. Chairman, I would be very glad to answer that question.

Q. If you will answer the question, I would be very happy to have it.

A. I would be very glad to answer it if the circumstances were different. That is when I am faced with a question of this kind or when anyone else is faced with a question of this kind today what he is faced with is the fact that various nameless accusers or informers, or call them what you will, whom he has never had a chance to confront and cross examine, he is put in a position of answering these statements or accusations or suspicions, and without any of the protections that ordinarily exist in such a situation, and I don't think that I can place myself in that position of having to answer something out in the void, some statement. I know these statements have been made obviously. I am not pretending to be shocked or naive about this. I can say very definitely I did not, I don't, I never would advocate the overthrow of the government by force or violence clearly and unequivocably, but to answer a specific question of that kind, whether I am a member of this party, that party or the Communist party, that puts me in the position, what-

[fol. 42] ever the truth is, whether I was or wasn't you would get a dozen informers who would say the opposite, and as indicated by an editorial just two or three days ago in the Daily News questioning seriously why the word of these informers, these turn-coats is accepted unquestionably as against the word of other responsible citizens. Therefore, Mr. Preston, I do not think that under these circumstances, first, yes, I understand that under the law as it is today you may ask me specifically do I advocate the overthrow of the government by force or violence. I

answer specifically I do not, I never did or never will. When you get into the other question of specific views in a political party, it seems to me only the fact, the right of political opinion is protected under the First Amendment and is binding on the states. Certainly attorneys ought to be in the leadership of those who defend the right of diverse political views. I think the First Amendment is important. I don't know what else I can add except that I think that attorneys, let's say the Bar Association, ought to be in the forefront of those defending the right to divergence of political views, and that I don't think any individual can be or should be placed in that position, unless of course it were a situation where you had the right to confront the other individuals or the sources. Frankly I don't have much regard for the statement of a Mr. Tenney and many [fol. 43] other people don't. His opinion of what is a good American isn't my opinion. I will state that very frankly. So his statement about me doesn't concern me, doesn't bother me, but when we get down to the specific point and what you are touching upon now is the area of free speech or the right to diverse political opinion, it seems to me that attorneys should be in the front ranks of those defending that right, and I answer again on the specific question of force and violence, I did not, I don't and never would advocate the overthrow of the government by force or violence.

Q. When answering it you don't intend to give us a specific, categorical responsive answer?

A. As I said I would be very happy to if we met out in the hall. I would be glad to answer you, but you see under these circumstances, that is I am speaking now under oath and I am speaking for the record, I am speaking against in a sense whatever evidence that may be in the files—I shouldn't dignify it by calling it evidence; I should say whatever statements may be there from various informers. I have told you about my record both in the Army and in the community. I have been active politically, I admit it. I am proud of it. I would be happy to discuss it. This is the record that I think should be the basis fo judgment, not the record of some hysterical characters that appeared before the Tenney Committee or any such group.

[fol. 44] Q. I am not asking anyone else. I am trying to

ask you because you are the one who is seeking admission, the privilege of practicing law in this state. That is the reason I am asking you the question. I made the question very broad, and what I would like you to tell us, if you will answer the question; now of course as you well know and you have told me in your answer up to this point, you don't have to answer the question, of course you don't have to answer the question, but we feel that on a matter of this kind, this kind of information, we have a job to inquire about your character. The statute says character, it doesn't say reputation. The only way I can find out and aid this Committee in finding out about your character is to ask you these questions, not what someone else thinks about you, your reputation. That is the reason I have asked the question. Could you give us a categorical answer?

A. I can only give you the answer I have given you, and I would be very happy to answer that under other circumstances.

Q. In other words, you feel that asking you that question is a violation of your constitutional rights?

A. Of free opinion, free speech, yes. I might refer you, Mr. Preston, to an editorial in the American Bar Association Journal. I don't recall the exact date. I used it in [fol. 45] connection with this paper I wrote for the U.S.C. Law School, where the editorial and commenting on an article that appeared in the very same issue. I think it was December, 1950, about that date. The article dealt with a former German jurist, I believe he was, or else he was a lawyer, in which he pointed out how the system of the administration of justice broke down in Germany, and he pointed out that one of the things that led to this breakdown was the activity that some segment of the legal profession there indulged in and/or failed to indulge in by protecting the rights of the people there. The editorial cautioned the Bar in this country to avoid the same error. That is why I have said several times this afternoon that I think the legal profession has to be in the front ranks of those defending the right to diverse political opinion. I am referring to the freedom of free opinion and free speech.

Q. Mr. Konigsberg, have you ever knowingly partici-

pated in an organization which you then believed was sympathetic to the communistic cause?

A. No, I can't say I knowingly did that, because I don't think it would have made a great deal of difference to me if I had known one way or the other, assuming that the objectives such as those I have told about in the Army orientation program and so on, whether it might be a School Board election, and as I pointed out I was a candi- [fol. 46] date twice sponsored by the Citizens Committee for Better Education. I don't recall the specific issue arising, but if you are asking me I don't think it would have made a great deal of difference to me who was supporting the organization or the campaign if the objective was the same, say a better School Board or whatever the issue might have been.

Q. Mr. Konigsberg, I assume that you know that your name has been listed in the public press by witnesses before the Congressional Un-American Activities Committee.

A. Yes.

Q. And have been identified by persons who said that you were a member of the Communist Party at the same time they were.

A. I saw that report. That is the sort of thing I was referring to a moment ago when I referred to the various accusations.

Mr. Preston: I haven't any other questions.

Mr. Wright: Mr. Konigsberg, are you familiar with the stand taken within the last several months by the American Association of Universities?

A. By the Wieness: What stand do you mean?

Mr. Wright: With reference to membership in the Communist Party.

A. You mean whether they should be teachers on the campus?

[fol. 47] Mr. Wright: The specific stand I had reference to was whether or not teachers properly should when asked by their colleagues were they or were they not members the stand was, as I recall it, that they should not resort to the protection afforded for that purpose because

they owe full candor to their college. What is your belief concerning that stand?

A. I think you are referring to the Fifth Amendment.

Mr. Wright: Yes.

A. Well I am not urging that at this time or not discussing it. I didn't claim it. I don't think I am on trial here. I am simply saying that I was only referring to the free speech guarantee of the Constitution. Now I think what you are referring to is the fact that some of the professors, I believe, were claiming the Fifth Amendment guarantee, were you not?

Mr. Wright: I believe some of them were, but I am referring more to the basis, the underlying—what I conceive to be the underlying—reason for that stand of the Association, namely that each teacher owed his college full candor concerning his beliefs, his memberships, and his activities. Do you subscribe to that, or do you disagree?

A. Well if I understand you correctly you mean that a professor, let us say, on a campus should tell his colleagues [fol. 48] what his political views might be.

Mr. Wright: Yes.

A. No, I don't think that is indicated at all. Why? If we have a guarantee of the right to your own opinion I don't say he shouldn't tell it, but to compel him to tell it, no, I don't. You asked me whether I agreed he should be compelled to say it, is that what you were asking?

Mr. Wright: When the problem of whether or not he should continue to teach is before—

A. I wasn't referring to whether he is qualified to teach or not. I thought you were asking me whether he should be compelled to divulge to his associates what his political views are.

Mr. Wright: In this sense his employer being the university.

A. Well if the First Amendment means anything doesn't he have a right to whatever views he holds?

Mr. Wright: Yes.

A. If he is to be compelled to divulge them then that right is meaningless.

Mr. Wright: No.

3—5

A. Perhaps I don't understand.

Mr. Sterling: Let me try to clarify it as I understand it. This Association of Universities takes the position that complete candor on the part of the teacher with respect to [fol. 49] his political beliefs, and in particular whether or not he subscribes to the beliefs of the Communist Party is a prerequisite to continuing in the teaching job. He doesn't have to disclose whether or not he is a Communist or is sympathetic to the Communist beliefs, but that if he doesn't answer those questions with complete candor he has lost his right to a position in the teaching community. Translating that into terms of an Association of lawyers such as our State Bar or any Bar Association, you are seeking admission to the profession and that we as your prospective colleagues have a right to *expect complete candor from you* on this particular question, and that if you don't wish to be completely candid with us then we are justified in saying you don't belong in our profession. That I think is the stand that the American Universities took.

A. I understand that. I can only say what I said several times already. Under those circumstances the constitutional guarantee of free speech means nothing, if it doesn't mean you can keep your views to yourself, and certainly lawyers recognize that and should be among the first to defend that right. I think the legal profession, particularly the leaders of the legal profession, should be the first to insist on it. Put another way, of what meaning is any constitutional guarantee if it becomes a crime to invoke that guarantee?

[fol. 50] Now I understand—I am old enough to understand—and I know you gentlemen are too that there are passing moods and passing periods in any country's history. Today this seems to be a very difficult period. In a few years I think the situation will look different, as it did a few years previously. I think it will be recognized again. I say this as a former teacher of American history. I taught in high schools in Cleveland. You are familiar with American history. I am somewhat familiar with it. There have been periods like this too that understanding the basis on which the constitutional guarantees were developed to begin with, to participate in what I think is an undermining of them I cannot do no matter what the price

is, because it seems to me that any constitutional guarantee is meaningless if it becomes not a crime necessarily to invoke it or if it becames a penalty, or if you suffer a penalty for invoking it. You gentlemen are familiar with situations in American history. I can't go along with that view. I don't think it is true. I don't think it is good history, and I don't think it is democratic. What guarantee is there in a Constitution if you become penalized for invoking them? What do they mean then? And as I have indicated before, this is such a profound matter of principle with me that no matter what the price is I cannot give it up. And surely leaders of the Bar, and I assume, not knowing any of you gentlemen, but by virtue of your position on the Commit- [fol. 51] tee you are among those that lead the Bar Association, you should be among the first to combat this notion that it is wrong to use a constitutional privilege which only after many centuries of tragedies and wars and injustices was finally incorporated in the great Constitution. That is the basic principle on which I am operating.

I was aware of this problem when I started to study law, but you were aware of all this record. Everything that you have referred to transpired before I started the study of law. If you feel that there is a question of my fitness, shall we say, for the Bar, that question could have been raised three years ago. There is nothing I have done frankly since then. I haven't had time to do anything. Not that I would have in any event, but I was aware when I registered to study law, and you have my application as a registered law student, that these problems might arise in three years, and yet because I wanted so much to study law, when a man of thirty-nine decides to change his career it is no joke or lark, it is a dead serious matter, there must be profound reasons for it. That we don't need to go into. I just think I would be a good lawyer. I have had seventeen years of experience in social work, working with people, which is an experience that many lawyers do not have until they have been in the profession for many years. I think I would be a good lawyer, a helpful lawyer. I think I have [fol. 52] demonstrated I have been a good citizen.

Mr. Sterling: If you accept as true the premise that the Communist Party, as it is embodied in the present Soviet Union government, has for its objective the overthrow of

not only the government of the United States but any other non-communist government, and that that overthrow may be accomplished either from within by a bloodless revolution or if necessary by force, if you accept that premise then I think that your argument about constitutional rights of free speech and right to have your own political views and so on go by the board because then it seems to me that we are asking you no more than whether or not you belong to or believe in the principles of such *an organization as Mafia*, which is pretty generally, I think, regarded as one which has objectives that can be accomplished according to their tenets by what we regard as criminal acts. Now if I asked you whether or not you believed in the right to murder you would answer me no, I think, but as I say this whole business seems to be a turn on whether you accept the premise that the Communist Party—I am paraphrasing for the purpose of illustration—if you accept the premise that the *Communist Party believes in murder* and has that as its objective then I don't think you have a right or justification to refuse to answer the question of whether [fol. 53] you belong to the Communist Party or whether you believe in its principles, you see.

A. Well I can't argue with you.

Mr. Sterling: Well, you can say that you think my premise is wrong. You can say the Communist Party as constituted does not believe in the overthrow, is not trying to and does not have as its objective the overthrow of the United States by one means or the other. Then I simply have to disagree with you because it seems to me that is their objective.

A. Well, are you suggesting, Mr. Chairman, that since of course this is a critical period in our country's history that in the face of such threats as you are basing your premise on that we have to forego then the use of the constitutional privileges or the protection of the Constitution, is that what your proposal is? I would like to understand your argument.

Mr. Sterling: No, as I say you don't feel there is any question of constitutional privilege when in a proceeding such as this where we are charged with determining the moral qualifications of an applicant in the profession, you

don't feel that the constitutional privilege is hurt if I ask you if you believed in murder?

A. No.

Mr. Sterling: You will answer that unhesitatingly, "No, I don't believe in murder." So I say that most of us now [fol. 54] accept as true the premise that the Communist Party as we know it and as embodied in the Russian Government, the present Soviet Union Government, does have as its objective world domination by the Communist Party. So we accept that premise. Therefore it seems to us that we have the right to ask the question of applicants for admission to the Bar, because our statute as we pointed out says that you are not qualified if you do believe in overthrowing or advocate the overthrow of the United States by force or violence.

A. I am answering specifically in terms of that statute too that I do not. That is the question you are asking me specifically. I am answering I never did, I do not and I never would advocate the overthrow of the government by force or violence. I do believe like leaders like Jefferson people should have the right through discussion, ballot, the minority view becomes the majority view, that changes like that are sought through the ballot box but never through force and violence. That I do not believe. I think my whole experience has shown that. I don't know how more direct that can be, and the only reason as I said before that I don't specifically answer the question, "Are you a member of this political party?" is because of the situation anyone is in who is faced with accusations as indicated by the newspaper report, accusations by people who I think are gradually being discredited by many [fol. 55] sources, when you don't know who it is who is accusing you, you don't know on what evidence, anonymous faces, you never have a chance to cross examine them, how can anyone be put in that position? What can you fight except wind mills and air in such a situation. The direct question, "Do you believe in force and violence?" I answered that.

Mr. Black: It still puzzles me a little to see why it is that you think you are prejudicing your own position by taking

a position on that irrespective of whether there is any other evidence in the file or not.

A. Because very practically this as you know has happened before. In the theory of today it is the words of these informers that is accepted above the words of anyone else.

Mr. Black: How do you know?

A. The newspaper report says so. Isn't that the report you were referring to where I was named before the Un-American Activities Committee?

Mr. Preston: Yes, but that doesn't answer the question.

Mr. Black: How do you assume this Committee accepts the hearsay report against your direct testimony?

A. I am not assuming that. I didn't mean to give that implication. What I am saying is that where on one side we have these hearsay reports and nameless informers, [fol. 56] and I don't need to go into a discussion of how willing they are to sell their evidence, if it is evidence, when there is the possibility of their word being placed against my word or anyone in my position, and because in view of the hysteria today their word is accepted. All it has to do is appear in the paper and you are discredited. Wasn't it two or three weeks ago in San Francisco a woman won an amount in a suit for being called a "Red", a teacher, when it is prima facie—libel, whatever the case was. Then it becomes not only a basic matter of principle on the First Amendment but a matter of protecting yourself in a legal situation, because this is an official body. I am not talking to a group of people like I would be talking to on the street.

Mr. Sterling: You are afraid if you answer the question as to membership in the Communist Party in the negative and say, "No, I am not a member and I never have been," assuming you made that answer, you are afraid that we could find half a dozen people who would say that you were and had been, and therefore if you were on a perjury trial and the jury believed them and not you, you committed perjury.

A. I am saying no matter what answer I gave whether I was or wasn't, undoubtedly there would be several whom you could get to say the opposite, and as I said before— [fol. 57] Mr. Sterling: Subjecting you to a perjury charge?

A. Yes. As I said before if you want to ask me outside in the hall I will tell you, but in view of these circumstances where you just have no right, you have no opportunity rather, to defend yourself against these people, I don't think that is fair play. I don't think that is justice. I don't think it is what the American democratic system teaches.

Mr. Preston: There has been reference to the newspaper article I looked at a little while ago. It is May 23, 1952, the Los Angeles Times, and the party referred to as having identified Mr. Raphael Konigsberg is a Mrs. Bennett. Do you ever recall knowing a Mrs. Bennett?

A. I don't recall, no, sir.

Mr. Preston: I see that she was formerly married, according to this newspaper article her former husband was Charles W. Judson. Did you ever know a Mrs. Charles W. Judson?

A. No, I don't recall any Mrs. Judson. Is this Judson in the newspaper field? I remember seeing that name in newspaper columns. I don't remember knowing Mrs. Judson.

Mr. Preston: Did you recall ever knowing a Mr. Charles Judson?

A. No, I do not. I recall seeing such a name in the [fol. 58] Daily News I believe it was. I think it was a reporter by that name. I read that regularly.

Mr. Preston: I see by the article here he apparently was in the newspaper field because it mentions that he was with the Los Angeles Evening News.

A. I take that paper every day. I think I have seen that name in the paper. I don't recall personally knowing either him or his wife.

Mr. Preston: Well, Mr. Chairman, earlier I discussed with Mr. Konigsberg and read him excerpts from this statement that was from the Un-American Activities Committee submitted by Mr. Konigsberg on the hearing on September 7, 1948. I think that should be an exhibit.

Mr. Sterling: The Tenney Committee?

Mr. Preston: Yes, on September 7, 1948.

Mr. Sterling: All right, it will be made a part of the file.

Mr. Preston: Are there any further questions?

Mr. Sterling: I have no further questions.

Mr. Preston: Is there any further statement you wish to make, Mr. Konigsberg?

A. By the Witness: I can't think of anything I could add to what I said unless there is some specific point you want me to enlarge on.

Mr. Preston: I assume, of course, if I ask you the question as to if you were ever a member of the Communist Party you would give me substantially the same answer.

[fol. 59] A. Yes, I think I would.

Mr. Preston: You observed, I assumed, Mr. Konigsberg, I didn't ask you in the first instance if you were a member of the Communist Party. I asked you if you were a Communist. I recognize there is a philosophical Communist. I made my first question very broad to include that.

A. I understood you to say a member of the Communist Party.

Mr. Preston: Would your answer be any different?

A. I thought you said a member of the Communist Party.

Mr. Preston: I deliberately did not. The first question we discussed at length is, "Are you a Communist?"

A. I will say no, definitely no. The only thing I would describe myself very simply as one who has read a lot, studied a lot, because as a teacher of history and political education in the Army I believe strongly in the fundamental concepts of our democratic system.

Mr. Preston: Your answer that you gave was directed to the question, "Are you a member of the Communist Party?

A. Yes, and solely to that. If you want a categorical answer to "Are you a communist?" the answer is no.

[fol. 60] Mr. Preston: You gave us that.

Mr. Sterling: That is your answer.

A. By the Witness: No.

Mr. Black: Would you care to state whether you have ever been a Communist?

A. Do you mean by that as he is making the distinction philosophically or a member of the Communist Party?

Mr. Black: I mean in the same sense you have just answered that you are not now a Communist.

A. I would say my thinking has only been what I described a moment ago as being based on the elementary concepts of the American democracy, assuming that you mean do I think like a Communist; that is assuming we

have some common understanding what you mean by that term.

Mr. Sterling: We are not talking now about a membership in any party.

A. Yes, philosophical views. You asked me to bring this material from the Army newspapers, I think.

Mr. Preston: Yes.

A. I think surely the material published under Army supervision and approved would indicate my thinking as much as anything else, and to bear out the point I made much of the material or thinking represented in these columns with very much the same or a continuation of the [fol. 61] thinking I showed in the Army. I would like to bring that in and show it to you.

Mr. Preston: We would be happy to have anything you would care to bring in.

A. When would you like to have it?

Mr. Preston: As soon as you wish to bring it in. Could you bring it in Monday, would that be convenient?

A. Oh sure. I don't recall whether I have a complete file. I think I have most of this Army material.

Mr. Preston: Fine, and if you have any of the California Jewish Voice.

A. No, I know I didn't keep any of that stuff.

Mr. Preston: Can you obtain those?

A. I suppose if I went to the publisher. He would have to go back to his files. I don't know whether he would want to do that. I am sure it would be available to the Committee.

. . . A ten minute recess was then taken. . .

. . . Mr. Konigsberg remained in the hearing room while the following witness testified. . .

[fol. 62] ALICE KING BENNETT,

called as a witness, being first duly sworn, was examined and testified as follows:

Direct Examination

By Mr. Preston:

Q. Please state your full name for the record.

A. My name is Alice King Bennett.

Q. Mrs. Bennett, my name is Arthur Preston. Mrs. Bennett, earlier in this matter we referred to a newspaper article in the Los Angeles Times dated May 23, 1952 which purported to quote you as identifying certain persons apparently in this general area as having been members of the Communist Party. Do you recall ever knowing a person by the name of Raphael Konigsberg?

A. Yes, I do.

Q. Where did you know Mr. Konigsberg?

A. As a member of the small unit in the Communist Party.

Q. Where?

A. In Los Angeles.

Q. When?

A. About 1940. Pardon me, 41 I think it was.

Q. Were you a member of the Party at that time?

A. Yes, I was.

Q. Did you ever see him at Communist Party meetings?

[fol. 63] A. At the meetings of this unit.

Mr. Sterling: What was the unit called, do you recall?

A. I don't know as it had a name. I don't recall the number that it was assigned. It was a very small unit, not more that six or seven people in it, professional people of various kinds who were difficult to assign to other units by virtue of their professional status.

Mr. Sterling: Were these meetings held in a private home or an office?

A. No, they were held in private homes.

Mr. Sterling: And they were never attended by more that six or seven people?

A. Not that I recollect now.

Mr. Sterling: Was your name then Bennett?

A. No, my name was then Judson.

Mr. Sterling: Your whole name?

A. Alice King Judson.

Mr. Sterling: Your husband was named?

A. Charles W. Judson.

Mr. Sterling: And Mr. Judson was employed on the Daily News as a reporter?

A. No, he was the Managing Editor at that time.

Q. By Mr. Preston: Were any of these meetings ever held at your home, Mrs. Bennett?

A. Of that particular unit I don't believe so, although [fol. 64] frankly my memory would not be trustworthy on that point.

Q. Do you recognize anyone in this room as being the person you have referred to as Raphael Konigsberg?

A. This gentleman (Indicating Mr. Konigsberg) is Raphael Konigsberg on my right.

Q. Are you certain of that?

A. There is no one else here who is the least bit familiar to me in appearance except this gentleman.

Mr. Preston: I have no other questions.

Mr. Sterling: Did you see Mr. Konigsberg on more that one such occasion?

A. Yes, I did see him more than once.

Mr. Sterling: At one of these meetings?

A. Yes, I saw him only at the meetings. I didn't know him otherwise. The meetings didn't countinue for more than three or four months, I don't believe.

Mr. Sterling: How often did they occur during the three or four months approximately?

A. It might have been every two weeks or it might have been once a week; I have forgotten.

Mr. Sterling: Do you have any questions?

Mr. Wright: No.

Mr. Black: What was the duration of each meeting, approximately?

A. By the Witness: Three hours.

[fol. 65] Mr. Black: You mean in the evenings?

A. Yes.

Mr. Black: And in Los Angeles?

A. Yes. Well I don't believe the meetings were necessarily in the City of Los Angeles. I can recall one or two occasions when they were in other towns nearby.

Mr. Black: Did the members of the group have any evidence of identification with the party?

A. No.

Mr. Black: So your testimony is based merely on the presence of Mr. Konigsberg at these meetings?

A. Yes.

Mr. Black: Do you recall whether he actively participated in the discussions held at the meetings?

A. I believe he did to the same extent as we all did.

Mr. Black: Did this group disband at some period to your knowledge?

A. My memory is not at all clear. I don't recall whether the group disbanded first or whether my husband and I dropped active contact with it before it disbanded.

Mr. Black: And can you place approximately the date of the last meeting which you attended?

A. Very approximately I would say that it was quite early in 1942.

Mr. Black: I have no further questions.

[fol. 66] Mr. Preston: I want the record to show that Mrs. Bennett came here under Subpoena issued by the Committee.

Q. By Mr. Preston: Is that correct, Mrs. Bennett?

A. By the Witness: Yes, it is.

Mr. Sterling: And I think we should also state for the record that before we asked Mrs. Bennett to testify here today we told Mr. Konigsberg that she was going to testify, and he requested that he be represented by counsel; that request was granted; that Mr. Preston then asked Mr. Konigsberg if he had any objection to Mrs. Bennett testifying today without Mr. Konigsberg's counsel being present so long as the hearing could be continued and Mr. Konigsberg through his counsel would have an opportunity to examine the transcript and to cross examine Mrs. Bennett at a later hearing.

The Witness: I will be cross examined at a later hearing?

Mr. Sterling: Yes, Mr. Konigsberg has requested the privilege of having his counsel represent him in this hear-

ing, and he is entitled to that, and that request has been granted, and his counsel would have a right to examine Mr. Konigsberg further and he would have a right to cross examine you.

The Witness: Where would such a cross examination be held?

[fol. 67] Mr. Sterling: We haven't arranged it. It presumably would be some afternoon next week.

Mr. Preston: Here.

Mr. Wright: Mrs. Bennett, this group of which you speak, how was it known, as a parlance of the party?

A. By the Witness: Well it wasn't known in any particular way. It was something of an underground unit inasmuch as the members were not known as Communists in any way, and the reason for being in this unit was to preserve their non-identity as a Communist.

Mr. Sterling: What was the purpose of the meetings?

A. To discuss current events according to communist interpretation and to discuss whatever methods or plans the individual members could to further the communist policy at the time.

Mr. Wright: I have one more, if I may. How was the group gotten together?

A. Well, you mean how were the members—

Mr. Wright: Selected, and how did they come in contact initially with each other?

Well the assignment of the members was done by higher-ups who made such assignments to units. I couldn't tell you very much about that, but we were simply assigned by the Membership Director, I suppose, to that unit.

[fol. 68] Mr. Wright: How were you notified of the meetings?

A. Usually by telephone.

Mr. Wright: By whom?

A. Well, I really can't recall at this time. We were either notified by telephone or else at the ending of the meeting we were told where and when the next meeting would be.

Mr. Wright: That is all.

Mr. Sterling: Are there any further questions?

Mr. Preston: No.

Mr. Black: No.

(Off-the-record discussion.)

Mr. Sterling: We will go back on the record, and we will continue this hearing to next Thursday afternoon at 3:00 P.M. We will stand adjourned. Thank you for coming in, Mrs. Bennett.

"End of Session"

[fols. 69-70] Reporters Certificate to foregoing transcript omitted in printing

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[fol. 71] THE STATE BAR OF CALIFORNIA

COMMITTEE OF BAR EXAMINERS

SOUTHERN SUBCOMMITTEE

LOS ANGELES

In the Matter of the Application of RAPHAEL KONIGSBERG
In the Matter of the Application of RAPHAEL KONIGSBERG,
Application for Permission to Take Bar Examination

(No. 1194)

HEARING OF DECEMBER 9, 1953

APPEARANCES:

Graham L. Sterling, Jr., Chairman of Committee
Harold A. Black, Member of Committee
Arthur E. Freston, Member of Committee
Leroy A. Wright, II, Member of Committee
Alma Stayton, Assistant Secretary
Raphael Konigsberg, Applicant
Edward Mosk, Applicant's Counsel
Marion Farrell, Reporter

MR. RAPHAEL KONIGSBERG was then sworn in.

Mr. Graham L. Sterling, Jr.: My recollection is that at least one of the purposes of the continuance of this matter was to give Mr. Konigsberg an opportunity to be represented by counsel, and to cross examine Mrs. Bennett.

Mr. Edward Mosk: That is my understanding, sir.

Mr. Sterling: Do you wish to make any statement [fol. 72] before we have Mrs. Bennett come in?

Mr. Mosk: Well, may I say, may I know the names of the members?

Mr. Sterling: Arthur Freston, Leroy Wright of San Diego, Harold Black of Los Angeles on my left, and I am Graham Sterling.

Mr. Mosk: I think I talked to all of you on the phone, but I don't always know a face. I would just like to say this very briefly that Mr. Konigsberg, of course, consulted with me immediately after the last hearing, and I have examined the transcript of the last hearing and would like to have the opportunity for a fairly brief but some cross examination of Mrs. Bennett. We should also like the opportunity to present some additional testimony with relation to the matters that are referred to in the transcript, and then at the conclusion of that we would like the opportunity to present certain character witnesses or discuss the matter of presentation of affirmative evidence of good character. I think perhaps at the conclusion might be a wiser time to discuss that matter than now. That is the only thing I would have to say at this time.

Mr. Sterling: All right, Mr. Mosk, you want to have Mrs. Bennett come in.

Mr. Mosk: I presume that we will follow general rules of evidence in examination even though—

[fol. 73] Mr. Sterling: We are very informal, Mr. Mosk, and our rules say we don't have to pay much attention—

Mr. Mosk: I am afraid I don't know any other way of questioning, however.

Mr. Harold A. Black: You won't be penalized for following the rules of evidence.

Mrs. Alice K. Bennett then resumed the witness chair.

Mr. Sterling: Mrs. Bennett, as we all recollect, testified at the last session of this matter and we continued it to give an opportunity to Mr. Konigsberg to be represented by counsel—and this is Mr. Mosk, Mrs. Bennett, Mr. Konigsberg's attorney—and to give Mr. Konigsberg's attorney an opportunity to ask you some questions on cross examination. So, Mr. Mosk, you may proceed.

ALICE K. BENNETT, having been previously sworn, testified as follows:

Cross-examination.

By Mr. Mosk:

Q. Mrs. Bennett, I want to direct your attention to certain matters to which you testified at a prior hearing. Of course all I seek to do by these questions is to secure your best recollection on matters to which you have testified. I am sure you realize the seriousness of this matter to [fol. 74] Mr. Konigsberg, and therefore the reason why it is necessary for me to examine you in this manner. Mrs. Bennett, you had prior to the hearing on September 25 before this Committee had testified previously with regard to some of the matters of your membership in the Communist Party, is that correct?

A. In other connections.

Q. And do you remember when it was that you did so testify, approximately?

A. Let's see, it was May, 1952.

Q. And was that the first time that you had testified with regard to these matters?

A. No.

Q. When prior to that time had you testified with regard to these matters?

A. Well, it was the first time I testified.

Q. Had you disclosed the information that you discussed on May 22—That was before the Committee on Un-American Activities, was it not?

A. Yes.

Q. Now, prior to that time you had discussed the same matters with some other committee or group?

A. In general the same matters, not in complete detail.

Q. And who or what was the that group or individual with whom you discussed it?

[fol. 75] A. The Immigration Bureau.

Q. And approximately when was that?

A. I believe that was June, '51, or it might have been later. It might have been September. It was in '51 sometime.

Q. You are sure it was in 1951?

A. Yes, that is right.

Q. Now, that was the first time that you had discussed any of these matters, is that correct?

A. Yes.

Q. Now, Mrs. Bennett, you were formerly married to a Mr. Judson, is that correct?

A. Yes.

Q. And you are now married to a Mr. Bennett?

A. Yes.

Q. Is Mr. Bennett a citizen of the United States?

A. Yes, he is.

Q. Has he had any problems with the Immigration Department?

A. No.

Q. Under what circumstances was it that you first had the conversations with the Immigration Department?

A. They sought me out.

Q. And do you remember who it was that sought you out at that time?

A. Frankly I don't think I could tell you his name now. [fol. 76] I don't remember it.

Q. And was that with regard to any particular individual?

A. No.

Q. They sought you out to inquire just generally, it that it?

A. Yes.

Q. Did you at that time mention Mr. Konigsberg's name?

A. I don't believe so, although I would have to see, I would have to see the information I gave before I can state definitely.

Q. Do you have a transcript of the information that you gave at that time?

A. No, I don't.

Q. Do you know anyone who does have a transcript of that?

A. No.

Q. But you do not believe you mentioned his name at that time?

A. To my best recollection I would say no.

Q. All right now, subsequent to that first hearing before the Immigration Bureau did you have any other hearings before any bodies other than the one on May 22, 1952 before the House Un-American Activities Committee?

[fol. 77] A. No.

Q. So that the three examinations are the only ones you have had? You have told us all?

A. Yes.

Q. Now, I believe you testified, Mrs. Bennett, that you were married to a Mr. Judson, and that he also was a member of the Communist Party at that time?

A. That is right.

Q. Now, when was it that you first became a member of the Communist Party?

A. It was either 1935 or 1936.

Q. And you remained until what date?

A. There wasn't any specific date I could give. It would be in the first half of 1942.

Q. Now, the first group that you were a member of was composed of what type of people?

A. Social workers.

Q. And this was exclusively social workers?

A. Yes.

Q. And you did testify, did you not, that to the best of your knowledge all of the social workers were in special groups for social workers?

A. Yes.

Q. Now, was Mr. Konigsberg ever present at any of those meetings?

A. No.

[fol. 78] Q. Now, during the period of 1940 and 1941 what was your business or occupation?

A. I was a housewife.

Q. And did you have any other activities or belong to any other organizations other than your testimony that you were a member of the Communist Party?

A. I belonged to the Women's Auxiliary of the Newspaper Guild.

Q. Your husband was active in the Newspaper Guild, was he not?

A. Yes.

Q. And that is Mr. Judson?

A. That is right.

Q. And the Newspaper Guild was an active organization at this time, was it not?

A. Yes.

Q. Had frequent meetings?

A. Yes.

Q. And you and your husband attended those meetings, did you not?

A. Not too regularly.

Q. But you did go from time to time to those meetings?

A. Yes.

Q. And these were open and regular meetings of the trade union, were they not?

[fol. 79] A. Yes. I wouldn't say I attended more than two or three open full meetings of the Newspaper Guild, however.

(The reporter then read the last answer.)

Q. Now you say open full meetings, were there smaller committee meetings and other functions of the Guild?

A. I believe there were committee meetings.

Q. And did you attend any of those?

A. Not that I recall.

Q. Were any of those held at your house?

A. Not that I recall. There may have been. My husband served on one committee for a year or so. I don't recall if there were any meetings of that committee at our house or not.

Q. And during this time you with your husband attended various social affairs of the Newspaper Guild and other organizations, did you not?

A. Yes.

Q. And in the course of those affairs you met numerous people that you had seen at the Guild meetings and at other places, did you not?

A. Yes.

Q. Now, you have testified that you met or saw Mr. Konigsberg at certain meetings of the Communist Party.

A. Yes.

[fol. 80] How many times did you see Mr. Konigsberg?

A. Well, it would be very hard to estimate the number

of meetings. We were members of the same unit for less than a year, in fact I don't think it was more than six months, and I can't recollect now whether the meetings were once a week or once every two weeks, but with the exception of a few meetings that we may have missed, which I don't have a recollection of, we saw each other at the meetings.

Q. And was your husband present at those meetings also?

A. Yes.

Q. And your husband has also testified before the House Un-American Activities Committee?

A. Yes.

Q. Do you know whether he mentioned the presence of Mr. Konigsberg at any of those meetings?

A. No, I don't.

Q. As a matter of fact you know that he did not?

A. No, I don't know that.

Q. You don't know one way or the other?

A. That is right.

Mr. Sterling: You are speaking of Mr. Judson?

Mr. Mosk: That is correct.

Q. By Mr. Mosk: But he was present at the same meet- [fol. 81] ings that you were and would have the same knowledge as to who was present at those meetings.

A. By the Witness: Yes, he would.

Q. Now, do you know what business or profession Mr. Konigsberg was following at the time that you alleged to have seem him at certain meetings?

A. Yes.

Q. And what was that?

A. Social worker.

Q. And you knew this by reason of your knowledge and association with him at that time?

A. No, only that we were told he was a social worker.

Q. "We were told"?

A. That is right.

Q. And who told you?

A. I couldn't tell you. I don't know.

Q. Now, do you know whether or not he was a member

of the or worked for the State Relief Administration during this period of time?

A. No, it was my understanding he was connected in an executive capacity with one of the Jewish agencies. I don't recollect which one.

Q. Do you know whether during any part of this time the person whom you alleged to have been Mr. Konigsberg was ever employed by the State Relief Administration?

[fol. 82] A. I know nothing about his employment.

Q. Well now, you do remember testifying, do you not, Mrs. Bennett, before the House Un-American Activities Committee?

A. Yes.

Q. I will show you a transcript on Page 3,565 of "Communist Activities Among Professional Groups in Los Angeles Area, Part II, Hearing before the Committee on House Un-American Activities", and I will ask you whether or not these questions—you may read this to yourself—were asked by Mr. Tavenner who was questioning you, and whether you gave the answers as they appear here. I will ask you to start reading with the question:

"Mr. Tavenner: Were you acquainted with Mr. Raphael Konigsberg?"

(Witness reading transcript)

Q. By Mr. Mosk: May I have that. (Witness returning transcript) Were you asked these questions, and did you give these answers at that time, Mrs. Bennett?

A. By the Witness: Based on the fact that—

Q. Just a moment. I will read the questions:

"Mr. Tavenner: Were you acquainted with Raphael Konigsberg?

"Mrs. Bennett: Yes, he was a member of this unit.

"Mr. Tavenner: How was he employed at that time?

[fol. 83] "Mrs. Bennett: To my recollection he was employed in an executive capacity with a Jewish agency. I am not very sure of that, however.

"Mr. Tavenner: Do you know whether he had at any time been the head of the California State Relief Administration or held any official position in that organization?

"Mrs. Bennett: I am quite certain that he had not held any such post as that during the years that I was a member of the Party."

Did you give those answers?

A. I couldn't tell you.

Q. Well is that statement true?

A. I don't know.

Q. So that you have no information actually as to whether or not he ever had been a member of the State Relief Administration?

A. No.

Q. It is true, is it not, Mrs. Bennett, the person to whom you were referring had never been a member of the State Relief Administration?

A. I don't know.

Q. And you have no knowledge now as to whether you testified this way at the time of this hearing or not?

A. No.

[fol. 84] Q. Do you deny having made such a statement at the hearing?

A. No.

Q. Now, this group that you alleged that Mr. Konigsberg was a member of, approximately when was it that you first alleged that you met him with relation to such group?

A. I believe it was the late summer or early Fall of 1941; my best recollection.

Q. Now, you are quite sure that he was acting as a social worker at that time?

A. I wouldn't want to swear to that.

Q. But that was your understanding certainly?

A. That is right.

Q. I will call your attention now to Page 3,560 of the same transcript of the hearing before the House Un-American Activities Committee on May 22, 1952 to which I referred before, and I will ask you whether or not you made the statement which appears in the next to the last paragraph on that page. You read that to yourself first, and I will read it into the transcript.

(Witness reading transcript) (Witness returning transcript)

Q. By Mr. Mosk: Now did you make the statement at that time, Mrs. Bennett:

"That is correct in a way. Actually I presume that any social worker who was a Communist would have been [fol. 85] assigned to social workers units as a mentioned earlier, because it was considered necessary they be in protected units."

Did you make such a statement at that time?

A. By the Witness: I presume so.

Q. Was that statement true?

A. Within the limitations of my situation.

Q. So far as you knew that statement was true to the best of your knowledge?

A. Well it was true in so far as social workers of no particular rank or importance were concerned.

Q. Now, you have indicated that you were at certain meetings at which Mr. Konigsberg was also present, is that correct?

A. Yes.

Q. Now, do you recall anything that Mr. Konigsberg did or the person you alleged to have been Mr. Konigsberg said at any of these meetings?

A. No.

Q. You have no present recollection of any of his participation?

A. No.

Q. Was anything said by any person present at any of these meetings advocating the overthrow of the government by force and violence?

A. I couldn't recollect any specific statements now by [fol. 86] anybody, including myself.

Q. All right, do you recall any statements, to use a word, general term that was said by anyone that was present at any of these meetings, whether Mr. Konigsberg or anyone else?

A. It wasn't necessary that the statements be made. It was implicit in the fact that one was a Communist that one accepted the fact of a forceful overthrow of the government sometime.

Q. Now, I am asking you, Mrs. Bennett, what was said

at any time by the person you alleged to have been Mr. Konigsberg.

A. I don't recollect anything he said at all or anybody else said.

Q. You have no recollection of anything said at any of the meetings you allege that he was present at?

A. No.

Q. Now, have you ever seen Mr. Konigsberg anywhere other than at the meetings that you have alleged that he was present at?

A. Not to my best recollection. I wasn't on personal terms with Mr. Konigsberg. If I saw him at parties I don't recollect it now, but it is quite possible I did.

Q. So it is possible that you saw him at other places also?

[fol. 87] It is possible.

Q. Now, as a matter of fact, Mrs. Bennett, when you came into the room at the time of the hearing on September 25 you didn't really recognize the person whom you identified as being Mr. Konigsberg, isn't that correct?

A. No.

Q. Isn't it true the only reason you identified him as Mr. Konigsberg was because he was the only person present in the room whom you had ever seen before?

A. That is right.

Mr. Mosk: I have no further questions, Mr. Chairman.

Mr. Freston: I have no questions.

The Witness: I would like to make an additional statement.

Mr. Sterling: Surely.

The Witness: In regard to social workers being in closed units, it is true that they were, but if there were social work personnel at quite a high executive level—I couldn't tell you just where that would begin—they might not have been in the group with other social workers.

Mr. Black: I have no further questions.

Mr. Wright: I have no questions.

Mr. Freston: Mr. Chairman, may I ask Mrs. Bennett a question that has no reference to the cross examination?

[fol. 88] Mr. Sterling: Yes.

Mr. Freston: Mrs. Bennett, do you know a Mrs. Bass

who has been identified as, I believe, the Editor of the California Eagle?

A. By the Witness: I have never met her. I have heard the name. I don't recollect having met her, let's put it that way.

Mr. Freston: I have no further questions.

Mr. Sterling: For my own edification, Mrs. Bennett, I would like to clarify doubts in my mind that were left by the last questions and answers. Do I understand that you do or do not identify the gentleman who is sitting across the table, and who has been represented to you by us as being Raphael Konigsberg as the man who was by that name present at these meetings that you have testified to?

A. By The Witness: That is true, yes.

Mr. Sterling: You do identify his as such?

A. Yes.

Mr. Sterling: I have no further questions.

Mr. Mosk: I have no further questions, Mr. Chairman.

Mr. Sterling: Thank you, Mrs. Bennett, very much for coming in. We appreciate it. I am sorry to have kept you waiting.

(Mrs. Bennett then left the hearing room.)

[fol. 89] Mr. Mosk: So far as the other matters that we wanted to place on the record, Mr. Chairman, we can proceed in one of two manners. Either I can direct rather general questions, actually it is Mr. Konigsberg's testimony, and he can perhaps just make his statement, and if I feel that there are things that I want to direct his attention to perhaps I can break in if that is satisfactory.

Mr. Sterling: That will be entirely satisfactory. You may proceed, Mr. Konigsberg.

(Mr. Konigsberg then resumed the witness chair.)

Raphael Konigsberg, having been previously sworn, testified as follows:

The Witness: I appreciate very much the interest that the Committee displayed in the main point that I was trying to make the last time as illustrated by Mr. Freston's

permission for me to bring in that Army material, and I hope you had a chance to review it. Otherwise I will refer to it briefly.

The point I wanted to make, and I think it is very much in keeping with the discharge of the function of this Committee, and my answer to it is that, for example, these columns that I wrote for the California Eagle or the organizational activity or public speaking that I was engaged in since I have returned from the war to which reference has been made, all of this is simply my discharge of what I said at that time was my sense of responsibility as a citizen, and I made the point that this I was very closely [fol. 90] indoctrinated with in the Army, and so I would like to introduce with a few words a statement from General Eisenhower which I just happened, since I have been at the meeting, to see in the book of his, from the official Army publication which gave me my orders—

Mr. Mosk: If I may interrupt. May we introduce this as Mr. Konigsberg's exhibit?

The Witness: "Crusade In Europe", a paper bound copy, Page 76 to 78. I will just read two sentences from it, not the whole pages. You will all recall that I mentioned that we felt at that time under General Marshall that the soldier had to be told why he was fighting in order to make him a better soldier. I am quoting now from Page 76 of President Eisenhower's book: "An early deficiency in our war-time Army involved a dismaying lack of comprehension on the part of our soldiers as to fundamental causes of the war. Differences between democracy and totalitarianism were matters of academic rather than personal interest. Soldiers saw no apparent reason why conflict between the two was of any concern to America. No matter what clash of opinion had existed on the point before the war began, a clear, simple and commonly held understanding was now essential among our troops."

And then without reading in detail he explains why the recommendations led up to the establishment of the [fol. 91] orientation program.

Now, "War Department Technical Manual, TM 28-210" I want to refer to, dated July, 1945. These Manuals, I should make clear, and the Mobilization Regulations, were

the official orders which bound us to discharge our responsibilities. I want to refer briefly to Page 22 of this Manual, which incidentially is issued over the signature of General Marshall as Chief of Staff. General Marshall states that one of the things we must indoctrinate the soldier with is "the belief of Jefferson and of Lincoln in the soundness of the majority opinion of the common man when properly informed.

The next quotation I want to make is from the Mobilization Regulations, No. 1-10, again over the signature of General Marshall in which he points out that: "The objects of the off-duty education program are . . . . to improve the value of Army personnel as citizens upon return to civil life."

And just one other reference and I will be through. Now, this is the official "Army Talk Orientation Fact Sheet" No. 51, entitled "What This Orientation Deal is All About". If I may interject these sheets were distributed, they were broadcast throughout the Army, and thousands of men got them, and this particular sheet tells what the major objectives of this educational program were, and No. 6 declared that we must build faith in America, and goes on to say: [fol. 92] "Our Army orientation does not attempt to impose on us a blind faith which closes our eyes to faults such as unemployment, poverty, race riots and other unsolved problems.

"Once Germany and Japan are licked, we'll come home to problems aggravated by the war. As citizens we must be prepared to participate in supporting plans for assuring world peace and returning America to peacetime prosperity."

Now, I submit, gentlemen, that these, which of course are very brief quotations from more extended instructions and orders from the War Department is what was the basis for the work I was doing in the Army and I think shows very clearly and proved by reference to these columns that Mr. Freston showed me the last time is in effect what I was doing as a civilian, and while these references don't spell it out in detail, we were told specifically that our job was to teach the soldier that when he came home as a

civilian he would have to perform the same functions in the safeguarding of democratic principles as a civilian as he did as a soldier, using ballots instead of bullets as the analogy was used at the time.

And I would like to now just comment on several of these columns that were referred to by Mr. Freston. I have here clippings that I kept during the period that I was [fol. 93] working with Mrs. Bass, and I think I can say now that the photostats that you showed me apparently are accurate copies. I couldn't then because I didn't know. I didn't come prepared with any of this material, but I have here all the columns that I wrote for Mrs. Bass' paper. There were exactly fifty of them, and I would like to ask the question which can be answered later, of course, the significance of the selection of these twenty-one columns that I was confronted with, because I don't quite see the rhyme or reason for them. I could see a selection based on some haphazard sampling, but it is interesting that these are right in the middle of this period of fifty, all consecutive except for one which is omitted out of the consecutive order, and then of the fourteen columns before the first one submitted to me there are some interesting columns that could have been introduced too bearing on the point which this Committee is interested in, and in the fifteen columns after these twenty-one.

As an illustration I will just refer to them briefly, and the Committee, of course, will go into them later at its pleasure. The column that I am interested in asking why it was omitted, because it is right in the middle of these twenty-one, it couldn't have been by accident because the twenty-two are all consecutive, and this one was omitted; the twenty-one columns dating from July 28, 1950 to December 28, 1950, and the column that I want to ask [fol. 94] about is dated August 18, 1950.

Mr. Mosk: I am sure you have a right to ask the Committee questions. You might just refer to the column and indicate what your observations were with relation to that column.

The Witness: I am trying to simply say that this raises a question in my mind as to why this was omitted, because I don't question the Committee's rights like anything they

want to ask me about, but since the others were all consecutive I would like to know why this one was omitted. I think it has significance because it bears on the issues particularly with respect to the points involved in the Grunsky Act.

This particular column I called "THE ANNIVERSARY" and it was simply some comments on the anniversary of the end of World War II, and in this column I quote from some of these other orientation fact sheets where the War Department gave us definitions of Fascism, which is a concept I frequently referred to in these twenty-one columns, which is why I am raising the point now, and reference to the column will show that the concept as I describe it in these columns is almost word for word that used by the War Department in its educational program with the soldiers. Now, the—

Mr. Sterling: How is it stated?

The Witness: I would be glad to read it.

[fol. 95] Mr. Sterling: Not the whole thing.

The Witness: Just one sentence: "Fascism is the precise opposite of democracy. Fascism is government by the few and for the few. Fascism came to power in Germany, Italy and Japan supported in secret by powerful financial and military interests." Then I will skip a few lines. "Any Fascist attempt to gain power in America would work under the guise of super-patriotism and super-Americanism. Indiscriminate pinning of the label 'Red' on people and proposals which one opposes is a favorite trick of native as well as foreign Fascists." That is a direct quote from the Army.

Mr. Sterling: That is all a quote from the Army?

The Witness: Yes, I have it here in italics.

Mr. Sterling: From the Orientation Facts?

The Witness: That is right. Now, the other two columns. Of course it would be any of the other twenty-five or twenty-six that we could refer to, but since it was my understanding, and I think it is correct that one of the things that the Committee is interested in learning is whether any applicant has ever advocated overthrow of the government by force and violence. It just happens two columns of the fifty that deal specifically with that point, the one I entitled "Force and Violence" on May 22, 1950, and——

[fol. 96] Mr. Mosk: This is one column that was not in the group that the Committee had last time?

The Witness: That is right. That is why I am simply asking of this is what the Committee was interested in learning I think that is a column I could have been questioned about, in which I certainly criticized very severely the whole notion of force and violence or its use. The reverse of that is in the column of February 2, 1951, which is called "Time for Courage" in which I lay out an action program for citizens. I have been talking in the previous columns about what some of the problems were, and in the last column, because I think one should do more than theorize. I laid out an action program for what a citizen can do about it, such as reference to it will show this is what I was recommending: "Talking to your neighbors; writing letters to the President; writing letters to your Congressmen; organizing committees, making a contribution, if necessary . . . . ." and so on. My point is this gentlemen: If I was advocating force and violence it would be in such a column or in such a program.

I think without belaboring the point any further there is simply not a word in any of the twenty-one or the fifty columns. I will be glad to submit all fifty for inspection. In any of the statements that were previously referred to by Mr. Freston, such as this statement to Mr. Tenny's Committee, or any records there may be in the newspapers [fol. 97] or any speeches that I may have made at no instance have I ever suggested that concept, and I will state categorically—I did it last time—at no time have I urged it, believed it, or would I do so.

Mr. Mosk: You had another column that was written while you were in the Army and then was reprinted elsewhere, which is somewhat of a declaration of your principles, is that correct?

The Witness: Yes, I was just going to refer to that briefly next. You see I think you have me at an advantage here, and I am glad of that. I am on record as to what I have thought and have said. Many persons that you could call in for investigation you would have no idea what he thought because he never said anything of which too many people have never done anything in discharging their citizenship responsibilities, but I have for many years put

myself on record. If I were a person engaged in conspiracy that would be the last thing I would be doing, publicly putting myself on record.

And here I have a brief statement that was written originally for the Army Orientation Program. We were given an assignment at the Army Staff School at Washington and Lee University—I referred to it at the last time—to write "Why Are You in This Fight", a personal statement of your beliefs. Now I just happened to send a copy to my wife, and she sent it to this magazine. I didn't personally [fol. 98] send it. I would like to submit this. Though written ten years ago it is a statement that I can subscribe to at this moment as a statement of what I believe in. May I just quote from it?

"Every person in uniform asks himself at some time: Why am I in this fight? What is my stake as an individual in this total war? And sooner or later each one of us must give himself an answer.

"It is not enough to say: 'Hell, I was drafted,' or even, 'I enlisted.' While it may be that the soldier who enlisted has a clearer, more positive reason for being in the Army, nevertheless the draftee can also find deeply personal and satisfying reasons for being in uniform—if he understands that in a democracy it is the people (of whom he is one) who draft themselves to serve their country in its hour of peril.

"In answering this question for myself I find that the simplest, most accurate reply is: I am in the army because I am selfish.

"I want and need certain things which I know I will never have unless the United Nations win this war; things which I know I could never enjoy unless I did my share in securing them for my side.

"I want economic security for my family and myself. A minimum of economic security is the basis of everything else: hungry, desperate men cannot be good parents, good [fol. 99] neighbors or good citizens; they cannot enjoy life or contribute to it.

"I want also to feel free to follow certain professional and cultural interests. I know that if Fascism wins, all this will be impossible. So I must help defeat Fascism. I know I cannot do this alone.

"I want to live like a man, not like a slave; to live in dignity while striving for the realization of the promises of manhood and civilization. I cannot expect others to fight and die for this liberty and hand it to me.

"I want the United States of America to be a mighty democratic nation. Only such a land can guarantee to me and mine the things we hold indispensable to a useful, honorable life. I am a Jew.

"I know that democracy can be lost, and how it can be lost. I have learned that if Fascism comes here I myself will be to blame—if I have not done everything in my power to prevent it. If I do the best I can now, I will not have to reproach myself later, win or lose. I feel personally responsible for my country's fate. I want to help shape America's future."

Now, there are several other paragraphs. I think that is sufficient to indicate what I mean.

And in concluding this part of the presentation I would like to just make reference to an editorial in the American [fol. 100] Bar Association Journal of December, 1952, Page 1028: "Constitutions don't uphold and defend themselves. An essential for constitutional rights is a staunch people who revere freedom and whose watch over the ramparts is ceaseless."

I think the gentlemen of this Committee will appreciate the very simple point I am trying to make, that all these activities which I admit to, which I am proud of, are activities I carried on in discharging what I considered to be my citizenship responsibilities. You may disagree. You may feel citizens should carry out their duties otherwise. I challenge anyone to point to anything I said or have done that suggests my moral unfitness.

I can't help but refer to a statement made by William Howard Taft which I came across. I hope the Committee doesn't think I spent weeks of research. I came across the statement in his book "Ethics in Service". He refers to the legal profession. The title of the book is "Ethics in Service", Page 13: "The legal profession had its beginnings in the struggle for individual rights. Most of the progress toward individual liberty in English history was made through the successful struggle of the lawyers against the assertion of the divine rights of kings and through the de-

fensive privilege of members of our profession. Fidelity to his oath requires that the lawyer be a genuine force against oppression and that he strive valiantly to make the law an [fol. 101] instrument of right and justice, his skill and devotion on behalf of the individual profound as it affects the welfare of society."

Now perhaps I will be immodest and suggest it, but here again you have me at an advantage. I think my record shows I could be that kind of a lawyer, whereas in contract —this is no reflection on the other applicants since they are are so young, most of them, and they have not done anything, they have not had a chance to do anything—you couldn't begin to know, and from your experiences with them, at least my experience with them during my three years in law school, you wouldn't know how to determine how good a lawyer they would be. Here you have a chance to determine on the basis of a man's record of many years standing, and I submit that the record shows that because I have this, call it what you will, this streak of principle I would perform in the functions in the manners suggested by the outstanding members of the Bar.

Now, I haven't up to this point discussed in detail or even commented on the specific columns that were referred to by Mr. Freston. I think they bear comment if only to show this point, that during the same period I was making these comments in the columns in the California Eagle other American citizens were taking similar comments, other Justices, which say in effect what I say in these columns, [fol. 102] column by column, while in some of the instances sometimes they were not said until sometime later, some in recent months. I could be considered as saying them prematurely.

And so if the Committee wishes, and I think it would be worth-while unless my counsel thinks otherwise, we could refer to some of this material which simply bears out the point I was expressing, and I don't want to claim credit for any original ideas, but these ideas—apparently there is no other explanation—if they were brought in here they were brought in to show they bear on the question of my fitness and no doubt unfavorably in the opinion of the Committee. It can be demonstrated—the basic idea in each of the col-

umns—that statements very similar or the same have been made by responsible citizens throughout the community, throughout the country, whose principles are looked up to.

Mr. Mosk: What you have prepared, as I understand it, is that you have gone through the columns to which the Committee referred last time, and have shown with relation to these columns that other persons were either at that time or before or since have taken positions basically similar, and persons who are either in high positions in government today or are well respected in one manner or another. Now, I don't know what the Committee's wishes are. Mr. Konigs- [fol. 103] berg is prepared, I think, on all of the columns, or he can pick out a few by way of example, whichever way the Committee prefers that he be——

The Witness: I don't think it would be necessary to prove the point. It would take a lot of time to go through every single column. I selected eight out of the twenty-one most significant bearing on the general question of my fitness, which are the most significant out of the twenty-one, which make the point I was just making, to show that I was not a voice in the wilderness and no radical voice on the mountain top shouting these things.

For example, the Vice-President of Ford Motor Corporation; Ernest Weir, President of the International Steel Corporation; Justice Jackson of the Supreme Court; President Eisenhower today himself saying these things. Perhaps if Mr. Freston or the Committee could enlighten me what significance they attach to these views I could be better prepared to answer them. I assume obviously the only reason they were brought in here for was to bear on the question of proving my fitness. Frankly, gentlemen, if actions such as I have been engaged in renders a person unfit to be a lawyer, woebetide not only the legal profession but every other profession in our country. I hope the Committee is not suggesting that an active citizen cannot be a good lawyer. I am sure the Committee feels the other way [fol. 104] around, that the lawyers should be active citizens.

Mr. Sterling: Would it be possible, Mr. Konigsberg, for you to read into the record the citations of these quotations from prominent people that are to the same general effect as your editorials.

The Witness: If you would like me to do that.

Mr. Sterling: Not reading the entire text, so anyone reading the record could refer to them.

The Witness: Can I do this? Unless you insist, I can take all twenty-one, I think just these eight would answer the question. Of the eight I could read one brief one for each one rather than the half dozen I have for each. I think perhaps that would meet the problem.

Mr. Freston: Yes.

The Witness: I would take them in about the order they were in the presentation to me. This first column that the Committee presented to me was called "The Greater Loyalty "written 7/28/1950, in which I make the simple point that the loyalty of an American citizen should be tested by his loyalty to the basic principles of our Constitution and not his adherence to the current program of the present administration, whatever period of history that might be. Now, I don't think there can be too much argument of that point, and we find, for example, in this book, "The Loyalty of Free Men" written by Alien Barth, who is a prominent [fol. 105] newspaperman, Pages 3 to 7, I won't even read it, but I can refer you to it, in which he makes the very point——

Mr. Mosk: It is a regular Cardinal twenty-five cent publication sold on all newspaper stands.

The Witness: As a matter of fact I first read it at the Law School Library in a bound copy. The page number refers to the paper bound copy, and just the one——

Mr. Mosk: May I interrupt? I note the book has a foreward by Zachary Chaffe of Harvard Law School.

The Witness: The one quotation I want to offer in connection with it comes from the former Librarian of Congress, Archibald MacLeish in which he says: "Patriotism which measures itself not by its love of America but by cold passion against the Soviet Union is an evil thing that will disastrously divide the United States. A man who lives not by what he loves but by what he hates is a sick man, and so too for a nation." This man is now Professor at Harvard University, and this was spoken November, 1953, this last month, at the Annual Meeting of the B'nai B'rith Anti-Defamation League.

There are a lot more on that point. I won't give it to you now. On the next column which dealt with the subject,

"What is Wrong with Peace?", written August 25, 1950; and here I will simply refer to quotations without reading them, except one brief one.

[fol. 106] Twenty-one of Boston's leading bankers and industrialists called the Dover Group on December 1, 1950, which was just a little while after I wrote this, stated the same thing, that is they urged, and this was an official declaration of a group in Boston, they urged the withdrawal of United Nations troops in Korea, withdrawal of the U. S. Seventh Fleet from Formosa, and the seating of the Chinese delegation in the United Nations; and statements from Herbert Hoover and Joseph Kennedy in the Wall Street Journal urging the same program.

Mr. Sterling: What date?

The Witness: 12/27/50, December 27, 1950, and I think you are familiar with the very last statement that President Roosevelt made in the Jefferson Day address within the day before he died: "The work, my friends, is peace. More than an end of this war—an end to the beginning of all wars, yes, and an end forever to this impractical, unrealistic settlement of the differences between governments by the mass killing of peoples."

And as you can see there are quite a number of others which I won't take the Committee's time for. One you can refer to is the resolution by Edward Johnson of Colorado introduced into the Senate on May 23, 1951, for ending the war in Korea.

The third is a rather interesting one called, "We Are The Experts", in which I make the simple point that ordinary [fol. 107] citizens have got to take a responsible part in government and don't have to be like expert economists, because the basis of democracy is the mass judgement of people, and it is rather interesting that when General William F. Dean was released from thirty-eight months of Communist captivity in Korea, the first interview he gave, of which I have a copy here from the Los Angeles Examiner, which quotes a statement from the City of Washington, October 22, in which it states: "Major General William F. Dean declared today that United States' parents should do a better job of teaching their sons what it means to be an American. He asserted that G. I.'s captured by the Reds in Korea would have been better able to resist

Communist brain-washing if they received home training in the responsibilities of American citizenship. The General told a news conference that too often youths are inducted into the Armed Services with only a vague awareness of their duty to their country."

It is just the point I have been making all along. The next day President Eisenhower at his news conference, commenting on this as well as similar reports the President told his news conference, "Americans sometimes get only meager education in their obligations to a free form of government," which is, of course, the point I was making basically in all these columns. In other words, I should say the gap in my own small way I was trying to fill.

[fol. 108] This next one that Mr. Freston, I think, had enlarged, called, "The Gangsters, Incorporated," dated November 5, 1950, and this is from Justice Jackson of the Supreme Court of the United States, a statement made at the Nuremberg Trials November 21, 1945: "The common sense of mankind demands that law shall not stop with the punishment of petty crimes by little people. It must also reach men who possess themselves of great power and make deliberate and concerted use of it to set in motion evils which leave no home in the world untouched." And again many others, but I won't refer to them.

The fifth one called "Truth Will Rise" written December 7, 1950, in which I make the point very simply that the program we were following, that is our country was following, overseas was not in the best interests of our country of the people overseas, and here is a statement that was in the Wall Street Journal 12/6/50. It warned that "The country faces national ruin if it doesn't recognize its foreign policy mistake." It called for "appeasing China" as the least disastrous of possible alternatives and for treating United States allies henceforth as true partners rather than bought followers, which incidentally is what Secretary Dulles just said the other day in contradicting Mr. McCarthy, that is the way they are going to treat their allies.

[fol. 109] Mr. Mosk: May I interrupt you a moment? You have now gone through five. Actually you have gone through all of them. I think that the point is probably made before the Committee that he would be able to go through each of the additional articles and establish that other per-

sons of various statures of life were saying the same things in similar or in some cases identical manner, and if the Committee wishes we can go on or can submit separately or if you have specific questions as to other columns, but I think that perhaps the point has been made for the record affirmatively on these matters. Were there any other specific matters in relation to this?

The Witness: No.

Mr. Mosk: Let me say this if I might: As I indicated at the beginning in discussing this matter with Mr. Konigsberg we felt that there were three phases of the matter that we wished to bring before the Committee. One was to complete such cross examination as has been completed with relation to the one witness. Secondly, to indicate as best it is possible without any formal pleadings, not knowing specifically what matters to respond to, Mr. Konigsberg has now, I think, indicated something of his general approach, and I should like at least to submit, I think, if you are making a record on this, at least the article here, I think, should be submitted as something of a statement of principles of [fol. 110] Mr. Konigsberg as an exhibit.

The Witness: That is the only copy I have.

Mr. Mosk: It can be withdrawn at a subsequent time.

Mr. Stefling: Do you wish to take it at this time and photostat it and put in the photostat?

The Witness: If you wish.

Mr. Mosk: The other phase of our approach to this matter is the matter of calling additional witnesses. Now, Mr. Konigsberg is in a peculiarly good position, as he had indicated, far better than I could possibly state, because of his age and because of his experience and his background, his work record, he is in a position to call upon persons who have had contact with him throughout his career to attest to his moral character. We can and are prepared to present that in one of two manners. I felt it would be an imposition perhaps to bring witnesses down today. I didn't know how long the Committee wished to take, but we have two methods, and we would submit to either method, but we do feel that we want to submit affirmative statements of persons in various walks of life, and we are prepared to bring anywhere from ten to twenty persons who have known Mr. Konigsberg in varying times in his career and have had a

chance to observe him under the stress of those things which he has actually done affirmatively and to attest to his [fol. 111] character. Now, we can either bring five, ten, probably twenty witnesses that would be willing to come down, and these would all be persons of stature that would be recognized, we feel, by this Committee, or if the Committee prefers we can get such statements in writing and submit them, and we bow to whichever method the Committee prefers to take this testimony, but we feel that it is most relevant, and in this case we have the forunate circumstances that we have a man with a work and a community existence of such length of time that no new admittee to the Bar would ordinarily be able to present, and we feel that this is significant and must be considered by the Committee.

Mr. Sterling: Mr. Mosk, it occurs to me that the objective that you seek can be accomplished perhaps without taking an undue amount of your time or Mr. Konigsberg's time or the time of the Committee by our allowing Mr. Konigsberg to have people file with this record letters in which they express their opinions.

Mr. Mosk: We have no objection. Time is also a problem with me, of course. We have no objection. We would like to have a reasonable time in which to do that.

Mr. Sterling: You may do that and have any reasonable time. Is thirty days sufficient?

Mr. Mosk: That is quite sufficient.

Mr. Sterling: Perhaps I am overly direct in my approach [fol. 112] to this matter, and perhaps I have forgotten exactly all that was said at the last hearing. I think we stated our position the last time that we are interested in knowing whether or not Mr. Konigsberg has any present affiliations with the Communist party and whether or not he had any affiliations in the past; if he did have those affiliations whether they still continued in any respect. Perhaps you can refresh my recollection. I didn't re-read the transcript before this hearing because I didn't have time, and Mr. Freston was particularly assigned to it. As I recall it—I have just come to it now—Mr. Konigsberg takes the position that he does not want to answer the question as to present membership in the party or any past membership in the party.

The Witness: May I explain it? I didn't say I didn't

want to. I answered it in the way I felt I could answer it, basing my answer on the guarantees of the First Amendment. I think I pointed out too that I felt regardless of what the answer was, whether I answered yes or no to the question, that the basic principle permits a citizen to remain silent if he wishes, or to comment if he wishes, and that invasion of one's opinion, one's thoughts, one's religious beliefs, is a principle that is basic to the whole problem we are faced with in this country, the whole problem of the attack on the basic civil liberties of our period, and I feel [fol. 113] that the position I am taking in giving this answer stands with or places me with so many other citizens, many fine citizens, who feel they must take this position as their part in defending our liberties against attack. Now, you may disagree that this is an invasion. You may disagree it is an attack. Again I cite from many authorities. I don't think I need to cite to the Committee the Constitution, the First Amendment. If you permit me one, Justice Jackson in the case of Thomas vs. Collins in which he says: "The very purpose of the First Amendment is to foreclose public authority from assuming a guardianship of the public mind through regulating the press, speech and religion." The citation of that is 323, U. S., 516, 545.

Now, I don't think the Committee wishes me to labor that point, though I think I have an adequate legal basis for that position I am taking, and I referred the Committee previously to a comparable historical period in our history, the Alien and Sedition Laws, in which, all of which that is, our American history shows that it is a very grave and a very solemn duty of a person who believes in these principles to defend them, to use them and not to give way.

And one of the other quotations I have shows that there is nothing in our constitutional history that says in periods of stress must you give up these rights. Particularly in periods of stress you should not give up these rights. [fol. 114] I know the members of this Committee are far more familiar with this than I. I am familiar with the environment and the circumstances this Committee has to operate under. I am aware of what are my duties as a citizen.

Mr. Freston: Mr. Chairman, so that we will have some semblance of order in this record, even though we do things

in an informal way, I observed in looking through the file we didn't mark any of these documents. We merely referred to them with a general description. It might be well to mark these exhibits. And parenthetically may I state that you will recall, and undoubtedly Mr. Mosk, you have read the record and observed that on Page 6 the inquiry developed that Mr. Konigsberg had worked for a friend of his, Mrs. Bass, for as he stated about three or four months, perhaps a little over three months, and the copies furnished to the Committee ran from July to December in 1950. And he stated also that he did not recall whether he wrote a column every week. Now, in the copies furnished to the Committee apparently one was omitted during that period. We would suggest that you furnish that copy to the Committee, and it was my understanding from your answers, Mr. Konigsberg, that this was work prior to the time that you became busily engaged in law school, and I didn't realize that you apparently wrote columns after December 28. If that is——

[fol. 115] The Witness: Yes, up until April, '51.

Mr. Freston: Then I would also suggest that you also supplement the record with those items so that the record that we have heretofore identified as twenty-one photostats be made complete to cover the entire fifty articles, is that right, I believe you said——

The Witness: I have no objection. I was thinking offhand of the expense.

Mr. Mosk: Can we turn them over to the Committee for photostating, and then have the originals back?

The Witness: I haven't been employed for four years. My wife has been supporting the family.

Mr. Freston: That can be taken care of. It might be well, Mr. Chairman, if the exhibit which will consist, as I understand, of the fifty editorial pages of the California Eagle might be marked as an exhibit, and I suggest you assign a number to it so the reporter can indicate it so it can be identified.

Mr. Sterling: That will be the Committee's Exihibit 1.

Mr. Freston: I believe the same would apply to the so-called Tenney Committee exhibit which we discussed last time. I assume that would be 2.

The Witness: I don't have a copy of that. Were you asking if I had a copy?

[fol. 116] Mr. Freston: No, just so we have a mark on it so we can identify it.

Mr. Mosk: Will these exhibits be available?

Mr. Sterling: Surely.

Mr. Freston: And the next number would be the statement of Mr. Konigsberg before the Tenney Committee September 7, 1948. I assume that would be No. 3.

Mr. Sterling: Yes, that will be No. 3.

Mr. Freston: Some of these editorials were enlarged. They are not very legible.

Mr. Mosk: Are they duplicates?

Mr. Freston: These were the ones Mr. Konigsberg was referring to.

The Witness: I just remembered the one about "THE GANGSTERS, INCORPORATED".

Mr. Freston: Well there are eight. Apparently those are the eight that were referred to. Frankly these are easier to read because they are enlarged. I assume it would be proper to have them as part of Exhibit 1.

Mr. Mosk: No objection.

Mr. Freston: It might also be well, Mr. Konigsberg, to introduce as your exhibits those documents to which you referred, because I would doubt seriously if the Committee would have access to these War Department bulletins. It might be well to introduce those, and anything else [fol. 117] that you would like to submit to the Committee that is not a matter of public record.

Mr. Mosk: We will introduce then as Applicant's Exhibit 1 the War Department Technical Manual dated July, 1945, TM 28-210, and I think that a specific reference is made in the record to the page in this.

And then as Applicant's Exhibit 2 a War Department Mobilization Regulations No. 1-10, entitled "Morals", and dated, Washington, March 5, 1943, and again I think the particular portions referred to by Mr. Konigsberg in the direct testimony.

And as Applicant's Exhibit 3 a document, four pages, entitled "Army Talk Orientation Fact Sheet" No. 51, dated December 32, 1944, and there seems to be some underlying

here which is probably the references Mr. Konigsberg made in his testimony.

Where I have used Applicant's 1 make it Applicant's A, and Applicant's 2 will become Applicant's B, and Applicant's 3 will become Applicant's C.

Mr. Wright: It is to avoid confusion?

Mr. Mosk: Yes. The fourth exhibit, I think I perhaps submitted that before. Applicant's D is a copy of "National Jewish Monthly" dated July-August, 1944, with particular and only reference to Page 359.

Now, well then, if we may, Mr. Chairman, perhaps the easiest way to handle other references would be to submit [fol. 118] a memorandum referring specifically to representative clippings and articles in such a manner that the Committee may refer to it specifically if it wishes.

Mr. Sterling: That would be satisfactory.

Mr. Mosk: Now, as to these articles here, the fifty articles, we will leave them with the Committee now and such ones as the Committee wishes to photostat—

Mr. Sterling: Yes. It is my understanding that we will photostat those copies of which we do not now have and return the entire fifty to Mr. Konigsberg.

Mr. Mosk: Now, the first four which I have, A, B, C, and D are the only copies that Mr. Konigsberg has. If we may state on the record that if at some time he has a specific need for them he may withdraw them by substituting in some manner or other a copy.

Mr. Sterling: Yes, indeed.

Mr. Mosk: I think those are the only specific exhibits at this time, although we may make memorandum references to some of the others, and we will within thirty days submit character references by letter, and if I may say on the record now any of the letters that are submitted to the best of my knowledge now I think that all of the people themselves would be available for individual interrogation to expand or question any of the statements that they might make on Mr. Konigsberg, and we are prepared to bring them here as witnesses to the extent we can do it. [fol. 119] They are all busy people, but for the convenience of the Committee we will submit it by letter, and finally if the Committee feels that there is a need at the

conclusion of submissions I should like an opportunity to address the Committee with regard to the facts that have been presented.

Mr. Freston: May I ask a question of counsel?

Mr. Sterling: Yes.

Mr. Freston: One of the things that was bothering me, Mr. Mosk, is the general answer we have received to the question concerning present and past Communist affiliation, and I recognize the objection that counsel raises under the First Amendment.

Mr. Mosk: The witness.

Mr. Freston: The witness has raised. The thing that troubles me is we have an affirmative duty under the statute to certify as to this applicant's good moral character. We have endeavored to point out to him that the burden of showing that character is upon him. It appeared to me that he wasn't being quite forthright with us in not giving us an answer to those questions. He stated in effect his reason, at least as I understood it, that he did not want to answer the questions because he might sometime be accused of or prosecuted for perjury. Now, that is the rationale as I remember it, and frankly I am left in a rather confused state. As a member of this Committee I [fol. 120] have to take an affirmative act of certification as to a good moral character. I wonder if you could perhaps enlighten me or help clarify the situation so perhaps maybe I might understand it better.

Mr. Black: May I interpose another question directed to the same point, and you can answer them at one and the same time. Just to make sure that I understand the witness' position, at the last hearing—Mr. Konigsberg's position—as I understood he was perfectly willing to deny categorically he is a Communist and took that position, am I right on that?

The Witness: I said philosophical Communist.

Mr. Black: It seems to me that question we wouldn't have a right to ask you under your argument, but that we would very definitely have a right to ask you whether you are now a member of the Communist party as it is commonly understood. Now, am I right on that that you still take the position that there is no objection to your answer-

ing us categorically that you are not now a Communist, namely that you don't believe in the philosophical doctrines of communism, generally speaking, that is a matter of belief?

The Witness: I think I understand your question.

Mr. Black: But you do take the position that we do not have the right or you have no obligation to answer the question, "Are you now a member of the Communist [fol. 121] party?" and that you refuse to answer. I am not trying to argue. I just want to be sure I understand your position. Am I correct in that?

Mr. Mosk: Either way. The first question was addressed to me. I understand both questions, and I think in this type of hearing there may be some question whether counsel's comments are necessarily the comments of the applicant, so that I think that Mr. Konigsberg could well reserve the right to disagree with counsel in this field, however I feel as counsel I have an obligation to indicate in response to the question—which I think is a fair question—I think that, gentlemen, what we are faced with here, and some of the things that I would say now are probably things I would want to say by way of summation but I have not prepared any summation, but I have my feelings on the situation, it seems to me that what we are faced with here is a matter of a question of personal fitness, and that is why in the statements that Mr. Konigsberg has made, and the submissions which we intend to make within the next thirty days, we are endeavoring to address ourselves to that issue which we feel most pertinent that is "What has Mr. Konigsberg done as an individual with relation to the people with whom he has dealt, the occupations and professions that he has followed, what has he done to show affirmatively that he is of good moral character and would be a good member of the Bar?"

[fol. 122] Now, as I understood Mr. Konigsberg's position it is his feeling that one of the matters of principle on which he has always stood is the principle that one may not inquire as to a person's belief, religious, political or otherwise, and that by answering such questions as they are being asked throughout the country in these days, and in all sorts of places and under all sorts of circumstances, as

I understand Mr. Konigsberg's position that by answering such a question he is in effect giving way to and giving ground on the principle that one may not be asked these things, and that by his failure to answer he is neither affirming nor denying.

Now as to the second question, which I think is most pertinent and certainly struck me at the moment when I read through the transcript for the first time, I was struck by exactly that same question, and I asked Mr. Konigsberg about it, and I think that perhaps he should answer this himself, but we did discuss this very matter, and I know that his position is now that if you were to ask the same question today he feels that it is a question he should not have answered, and that by way of principle in coming unprepared he did not think through the principle to that extent. I think I am answering correctly.

The Witness: That is exactly what I told counsel. As you are aware I came in without counsel, without any preparation, without knowing exactly what I might be [fol. 123] asked. I did have an indication since I had informed the Committee, I appeared before the Tenney Committee, that I might be asked about that. I came prepared with nothing. In the heat or in the tension of a meeting of this kind, as you are aware, very often one will say things that one regrets later or would have said later. If I were asked that today I think my answer would be the same as to the other question as to whether I am or am not a member of the Communist party, or whether I ever was.

Mr. Black: I might say without expressing my own view on the thing that I think it must be obvious to you at least under popular conception there is a distinction between what a man believes in a doctrinaire's sense, which I think everybody agrees who at least tries to follow American principles is sacred ground as to his individual concepts. The belief of the doctrines on the one side, and at least in popular view, affiliation with a party that has its policies dominated by the Soviet Union is quite a different conception, and that the argument at least is that inquiry goes to to the very essence of a man's loyalty to the country and has nothing to do with his individual beliefs in the matter of religion or political philosophy or a code of ethics, and that is the distinction that we are trying to get at here.

The Witness: I think you are quite right, and the position [fol. 124] you take is quite correct, and I confess that I was in error at the time again due to the tension of the moment, and as I was going to say I don't think Mr. Freston's recollection is correct. I did not say that I was giving the kind of answer, was giving or refusing to answer because I was afraid of a perjury charge, as I recall. That is not the basis of refusal or the type of answer I have given. The reason that perjury discussion came up, as I recall now—I haven't been thinking about it—was in connection with the nature of the hearing where a person does not have the opportunity to cross examine and confront witnesses or see documents or things of that nature, and it so happens in the case of Owen Lattimore, who faced a perjury charge, even though he denied a half dozen ways any association with subversive elements—I am recalling from memory—it had to do with whether he expressed a certain opinion. How is a man to remember what opinions he expressed. His appeal is pending at the moment for his conviction of perjury. It is only with reference to that situation that I mentioned or commented upon the element of perjury, because that has nothing to do with the basis for my giving the kind of answer I am giving to the question as to my political affiliation, none whatsoever. You correct me on the record if I am wrong. That is my recollection of that discussion. At least I would like to say for the record that has nothing to [fol. 125] do with the type of answer I have given.

Mr. Wright: I would like to ask a question that perhaps in some stage of this proceeding you might enlighten at least this member of the Committee on, whether you consider inquiry into present membership in the Communist party as at all relevant in the inquiries of this Committee as to moral character? In other words, is it a relevant factor? Does it have any bearing? Is it a proper scope of inquiry?

Mr. Mosk: I think you have to draw this distinction. It may be under some circumstances the Committee would feel that it would be a type of information that it would like to have to reach its conclusion, and to that extent perhaps it may be considered relevant, but many relevant matters are not inquired into in legal proceedings because for other

reasons those matters are not competent testimony. And it is the position of Mr. Konigsberg here that inquiries into the realm of his political, religious or other beliefs are matters that are protected under the First Amendment to the Constitution, and therefore while it may be information which the Committee would feel it would like to have it is a field in which the Committee may not inquire by Mr. Konigsberg's position, and I think therefore perhaps I am answering your question yes and no, but I think I make my point clear as to what position Mr. Konigsberg takes.

[fol. 126] Mr. Wright: Having felt that we would like the information and being denied, now I won't argue with you that being denied that we have no way of compelling it, but are we therefore faced with going forward?

Mr. Mosk: I think that also is a fair question, and that is why we are approaching the hearing in the manner in which we do. The Committee has before it expressions of principle which it would not ordinarily have in the ordinary application for admission. The usual twenty-one or twenty-two or twenty-three year old student has nothing on the record, unless perhaps he happened to write while he was in college, but we are dealing in this situation with a mature man who has already lived almost several lives. He has had a life in the Army in which the United States Army saw fit to commission him as an officer and to give him the most responsible of positions in the orientation program; he has had a life as a social worker in which he has performed in various functions; and then only after these things did he become determined that he wanted to take up law, and break that off and go to law school.

Now, it seems to me that what we have to deal with is not to in this proceeding endeavor to determine what some particular political party or philosophy believes, but to look to the personal actions of the applicant himself and it is to this that we are directing ourselves, and, well I have [fol. 127] already talked personally to determine before I came to this Committee whether I would be able to do what I say that I am offering to do, and that is to bring responsible, reputable citizens of this community as witnesses to his good moral character and his actions, the things that he did when he was in other positions, which are a basis for

determining what he will do when he is a lawyer. And as I say I could, I know, bring responsible social workers, other lawyers, persons at the universities with whom he has dealt, all of whom are prepared to come and say that they have known him in these various capacities, and that on the basis of the things that he has done himself, not what someone else has done, but what he, Raphael Konigsberg, has done that he is of good moral character to become a member of the legal profession, and these are things that as I say we will submit affirmatively, and it seems to me that this is the affirmative answer to what I can well understand the Committee feels is a void which Mr. Konigsberg, for reasons of principles he does not feel he wants to fill, but I think that even there one must always have respect for people who at recognizing the danger to him in standing on his principle is still prepared to do that in order to carry out things that he believes in so firmly.

Mr. Wright: I commend his moral principle, let me say, but perhaps have a little doubt for his judgment.

[fol. 128] Mr. Mosk: If I may comment on that also I think that certainly—

Mr. Wright: He is making it extremely hard for the Committee.

Mr. Mosk: I understand that, and I discussed it in great detail, because obviously I recognized that. Let me say one additional word, because I think that it is relevant to this point, that is with relation to the columns. I have not read through fifty columns, I assure you, but I did scan the ones I understood the Committee had referred to, and it seems to me that what we have to recognize is not that we disagree or agree with particular things that are said here, but I think that the testimony Mr. Konigsberg has given has shown that these principles which he is exhibiting, and which the Committee at this point at least would appear to disagree with as to his judgment in asserting these principles have been things that he has lived by, and I think that this is the significant thing that we must find in examining this entire record.

The Witness: May I just make this comment as an extension of the remarks that have just been made and very much in line with the question. If I were to come up now

for the first time when so crucial a matter as following my professional career is concerned, and the Committee would question as to whether this was a sincere position, as has [fol. 129] been suggested by the record and all can be verified a thousand times, this is something I have been doing all my life.

As Mr. Mosk was speaking I found I have here a statement which refers to a previous situation very similar to the nature in which I find myself now. You may remember in 1938 Culbert Olson was elected as Governor on the democratic ticket. For many years I had been employed to develop the program of the State Relief Administration. At that time because the democrats had been in the wilderness many years and needed jobs for their faithful workers, jobs were sought by Mr. Olson and his cohorts in many divisions of the State government. Unfortunately most of the individuals, as you remember, were covered by Civil Service. The State Relief Administration was a new service so he could find a lot of jobs for his ward healers, if you will pardon the crude expression, but those were the facts. There I was Director of the State Relief Administration for one district. The County of Los Angeles was divided into sixteen districts. And Mr. Olson decided that a good way to make jobs for his friends, which meant he had to get rid of us social workers because he couldn't hire two people for the same job—but I understood it was done in some circles—he would get us out on our own principles. This is rather interesting. You see social workers, as other [fol. 130] professional groups, have evaluation scales drawn up by men and women, experts in this judging a social worker on the basis of concepts. They drew the scales and there were such questions—you won't believe it—"Was this person faithful to the Olson administration?" which hadn't been in office but a few months. Several social workers and myself opposed this on strictly a professional basis. Finally some ninety-eight of us got together protesting. We weren't concerned whether he found jobs for his faithful or not if they dismissed us on a professional level, not whether we were faithful to the Olson administration. That was the reason we were dismissed. In connection with that a group of social workers in town led by

Dorothy Weiser Smith, who is the wife of Paul Gordon Smith, Literary Editor of the Los Angeles Times, I want to quote one sentence from this long letter. I don't recall how many dozens of letters were written on my behalf. We lost. That is beside the point. Mrs. Smith in writing to Walter Chambers then the State Relief Administrator made this statement, which I say proves again that in a similar situation as I found myself today I acted then as I am acting now. At least I am consistent. Whether that is a virtue or not is another question. Mrs. Smith who certainly is in a position to judge the competence of a social worker makes this point: I should say at this time I was her assistant in the State Relief Administration: "During all the years that [fol. 131] I have known Raphael I have found him to be absolutely honest in the broadest sense of this word, and to have a type or professional integrity which is unfortunately rare even in social workers, that type which will actually lead a person to sacrifice his position and be in danger of going hungry rather than strain his professional honor and violate his code of ethics. As we grow older it becomes more difficult to disillusion any of us." She is now a lady of about seventy-five. She continues, "but I should suffer a fresh disillusionment if I found that Raphael Konigsberg had acted in a manner which would cause shame or embarrassment to honorable professional colleagues." This was written March 22, 1947. This is the very period in which Mrs. Bennett alleges the various activities she charges me with.

Mr. Freston: May I ask another question? Mr. Konigsberg, Mr. Mosk a moment ago referred to the fact that you were commissioned in the Army.

The Witness: Yes.

Mr. Freston: At the time when you were commissioned were you asked any questions concerning your then or previous membership in the Communist party?

The Witness: I don't think so. I got my commission in, let me see now, '42. It was about September I reported for duty, I think it was the first week in October. It was a direct commission. I enlisted. This is how I happened to [fol. 132] enlist. They were asking for people with hospital experience. I was then Superintendent of the Sanatorium

in Duarte, I spoke about. They were asking for people. The Surgeon General was asking for people with hospital experience to get in the Army, and they offered a direct commission, so I received a Second Lieutenant's commission. They asked what we felt we were entitled to, and I said, "Whatever you feel I deserve." The others received Major.

Mr. Mosk: You took the usual oath?

The Witness: I don't remember such a question.

Mr. Freston: If you had been asked that question were your principles the same so that you would have given the same answer as you have given this Committee.

The Witness: Yes. I am not sure that I understand. Do you mean if they asked me then the same question you are asking me now?

Mr. Freston: Yes.

The Witness: What answer would I have given?

Mr. Freston: Yes.

The Witness: I would have given the same answer I am giving now. I have given such answers before. I was asked by the Tenney Committee. I am not making up answers to suit this hearing. There was another hearing you never referred to before the Dillworth Committee hearing which I think was a sub-committee of the Tenney Committee. [fol. 133] It was about a year after the Tenney hearing. I was asked that question then. I was asked that question when I campaigned for the School Board. The committee of citizens who interviewed me, I did not know, they interviewed seventy-five people all over. The- selected Dr. Claude Hudson and myself and some Union man whose name I have forgotten, three candidates, and they asked me those questions then because they were concerned. They had a right to be. I gave the same answer.

Mr. Freston: Do you recall the name of the committee?

The Witness: The Citizens Committee for Better Education. There was a Mrs. Yanow, I think. I think her husband is an attorney. There was a—Her husband is a screen writer. I can find out the names. I don't recall off-hand. There was a committee of three that interviewed me. One was a Mrs. John— He is a very prominent radio writer, not screen writer. I have forgotten the name. I could find it out. A Dr. George Mangold, a Professor of Sociology at

S.C. He has a beautiful pipe organ built in his house. He was Chairman of the Committee, and Mrs. Yanow, and this other lady I don't remember interviewed me. They asked me the same question. That was when I first ran for the School Board, and then I ran two years later, and I don't recall whether I had any interviews because they already knew me then.

[fol. 134] Mr. Freston: Did you ever find any copies of the articles that you wrote in the Jewish Voice?

The Witness: No, sir, I didn't. I probably didn't keep them. I am sure the Editor or the newspaper files must have them.

Mr. Freston: Does it have an office here?

The Witness: Yes, they moved recently. I think it is Fourth and Main. They were down on Pico someplace. I just saw in the paper. Mr. Samuel Gach is the Editor. He was the Editor then, and I believe he still is. It was just a period of a few months. It may have been almost a year. Those were simply reports of my experiences in the Army as I recalled them, because I was at that time giving reports all over the community to different groups that asked me to. They were asking a lot of people that returned from the Army to tell about their experiences and I think that is essentially what they were. I don't remember what I wrote in those.

Mr. Freston: I have no more questions.

Mr. Sterling: I have no more questions.

Mr. Mosk: If I understand correctly we will submit a memorandum, and we will submit letters at some subsequent time.

Mr. Sterling: You would like to have an opportunity to be heard further?

Mr. Mosk: Yes.

[fol. 135] Mr. Sterling: Very well, we will adjourn the hearing upon call.

End of session.

[fols. 136-137] Reporter's Certificate to foregoing transcript omitted in printing.

[fol. 138] THE STATE BAR OF CALIFORNIA

COMMITTEE OF BAR EXAMINERS

SOUTHERN SUBCOMMITTEE

LOS ANGELES

In the Matter of the Application of RAPHAEL KONIGSBERG, application for permission to take Bar Examination

(No. 1194)

HEARING OF JANUARY 27, 1954

APPEARANCES:

Leroy A. Wright, II, Vice-Chairman
Arthur E. Freston, Member of Committee
Thomas H. McGovern, Member of Committee
Sharp Whitmore, Member of Committee
Alma Stayton, Assistant Secretary
Raphael Konigsberg, Applicant
Edward Mosk, Applicant's Counsel
Marion Farrell, Reporter

COLLOQUY BETWEEN ~~HR. BERS~~ members AND COUNSEL

Mr. Leroy A. Wright, II: I would like to introduce to you two new members of the Committee. The Committee has undergone some changes here in the South since our last hearing. Mr. Whitmore, Mr. Konigsberg and Mr. Mosk, and Mr. McGovern. In view of these changes, Mr. Mosk, they culminated in this way: First, Mr. Sterling's term expired, and Mr. Whitmore was appointed to the place of Mr. Sterling. Then Harold Black, whom I think you know, who participated in both the other hearings, felt that the [fol. 139] duties of President of the Los Angeles Bar were such that he couldn't conscientiously perform that job and assume any semblance of practice if he was handling this job too. He resigned and has been replaced by Mr. McGovern. That leaves Mr. Freston and myself constituting the two members of the Southern Subcommittee who have participated in these hearings. Under the rules of the Committee two will constitute a quorum.

Mr. Edward Mosk: May I say this: I was of course familiar with the fact that there had been changes. I have discussed it with Mr. Konigsberg. I don't know how the rules of the Committee apply, but we would have no objection if the two members who have heard Mr. Konigsberg and heard our presentation——

Mr. Wright: That is what I was going to suggest as the way that the two members, being Mr. Freston and myself, would be the members to whom this matter would be submitted. Mr. Whitmore and Mr. McGovern not having heard the presentation before would not participate in the decision, however if there is a necessity for referring the matter or taking the matter up before the full Committee they then being members of the full Committee, and it more or less being a trial of de novo, if it comes to that stage they would of course participate, so their withdrawal from participation would be only in so far as the deliberations and the decisions of the Southern Subcommittee would be concerned.

[fol. 140] Mr. Mosk: That is quite satisfactory to us. We have full confidence in the members of the Committee and of course would prefer to have the decision made by those who have actually heard it.

Mr. Wright: We discussed it here before you came in, and we felt it would not be proper for those who had not participated or heard any of the evidence to merely on the basis of a transcript participate. So with that understanding, and if that is satisfactory—

Mr. Mosk: That is satisfactory to us.

Mr. Wright: First of all I would like to say we apologize for keeping you waiting. You were scheduled for eleven. We got behind in our early morning schedule. We started at 8:30.

Mr. Mosk: We could see by the numbers waiting you were working all the time.

So far as this hearing is concerned, the primary purpose for which we requested the additional hearing was for the purpose of securing and presenting to the Committee letters of recommendation, letters of reference, character reputation, and second for perhaps a few summary remarks on behalf of Mr. Konigsberg. Now I have prepared that so that it perhaps will assist the Committee somewhat;

I have the letters in a single document with a covery memorandum which tells who the people are who are writing. [fol. 141] I have additional copies for each member of the Committee of the list itself, although not additional copies of the letters. I also have a memorandum which was prepared in support of the application, and in view of that fact I would only want a very few minutes in which to perhaps supplement it, but I would just briefly like to run through this so that the record will be clear on the list of persons.

Now, this list of persons who have written letters, all of course on their own volition, and all based on their knowledge of Mr. Konigsberg over a period of many years, each of the persons did indicate when it was they knew Mr. Konigsberg; under what circumstances and how well. Some of them go into more detail and others less, as is usually the case in letters of this type.

I have divided the list which appears in connection with the letters into categories, and point out to the Committee that there are in this list three attorneys, there are nine who fall into the general classification of businessmen in the community, three doctors, three connected with the ministry, three who are professors at universities, eight who are in varying fields of social work, three whom we have classified simply as other professionals, and three who are just individuals without specific background, but we feel persons of some significance. Then in addition there are six letters which we have attached here which [fol. 142] were written for Mr. Konigsberg in 1940 at the time of some of his problems with the State Relief Administration which we have discussed at previous hearings before this Committee.

Mr. Wright: You referred to a Mrs.——

Mr. Konigsberg: Dorothy Wysor Smith.

Mr. Mosk: We have attached those complete letters, and while they don't specifically refer to this situation we feel they are sufficiently pertinent in their remarks to be applicable also to this situation. Now, I do not want to read all of these letters and will not take the time of the Committee to do that, but I would like to kind of run through them and make some references with relation to them.

We have a letter by Attorney Paul Major of San Pedro who points out in part:

"I recommend Mr. Konigsberg unreservedly as a person of high moral principle and character. He has an excellent reputation and should be a real credit to the bar. He is a much more profound person than the average bar applicant and exhibits a social consciousness which, in my opinion, is unfortunately too rare among applicants."

Now there is a letter here from Attorney Mortimer Vogel. Most of the letters we asked they be sent directly to me. Apparently in this case he sent it to the Committee with a copy to me. I think there is one other person who [fol. 143] did that.

Mr. Freston: We have it here. (Handing letter to Mr. Mosk)

Mr. Mosk: We also have a letter from Mr. Albert C. Bricker who is a well known insurance man in this community who says:

"I have known Mr. Konigsberg for approximately eight years as a man of integrity and of the highest moral character, concerning which, to my knowledge, there has never been any question. Throughout the years I have known Mr. Konigsberg he has impressed me as an unusually intelligent and capable person eminently suited for practice in the legal profession."

I have a letter from a George Stiller, advertising and public relations, who says in part:

"It is my firm and sincere conviction that he would be a worthy addition to the legal profession because of his wide educational background, his integrity and his high character.

"Coupled with these valued attributes is another I deem essential in an attorney—a warm and human personality, deeply interested in people, as people, and in helping solve their problems."

A letter from James L. Tuma, who is connected with the U. S. Geophysical Corporation.

Mr. Konigsberg: They make oil and mining explorations. [fol. 144] Mr. Mosk: I was looking at the letter head and it said "Airborne Geophysics". I didn't know what it

meant. He says in part: He says that he became acquainted with Mr. Konigsberg at the City of Hope Sanitarium where he was engaged in a survey of personnel and administration of the institution, and he says:

"The departments directed by him were of vital importance in administering the needs of the patients from the date of entry to the date of discharge. It required a great deal of humanitarian understanding and guidance to keep the patients contented, so vitally necessary to the recovery from tuberculosis.

"I was in close contact with him for a period of six months and know that he has a very fine character, good judgment, and a trained mind for detail and research. I am satisfied that he is fully qualified to become a good and successful lawyer."

A letter from the Right Reverend Monsignor Thomas J. O'Dwyer who says:

"I am writing you on behalf of Raphael Konigsberg now residing at 2446 Echo Park Avenue, Los Angeles.

"I wish to advise that I was well acquainted with him between the years 1936 and 1940. During that period he was employed as a member of the staff of the Council of Social Agencies in Los Angeles. He enjoyed an excellent [fol. 145] reputation among all who were acquainted with him during those years.

"Mr. Konigsberg resigned his position with the above-mentioned Council of Social Agencies and accepted an assignment with the newly-established State Relief Administration. Later he joined the armed forces and I assume he will present to you references from persons who knew him in the succeeding years.

"I do not hesitate to recommend him to you. I am satisfied that he will measure up to the high requirements established for members of the legal profession."

Then we have a very long letter from Victor S. Netterville of the School of Law of the University of Southern California, and Professor Netterville writes specifically of the period when he knew Mr. Konigsberg which was during his student days at the University of Southern California, and Professor Netterville addressing himself spe-

cifically to the problem that is before this Committee says in part:

"It was my impression that Mr. Konigsberg is a man with the courage of his convictions, but not one who holds these convictions blindly or with any but the most honest motives. He seems to hold the Constitution in high esteem and is a vigorous supporter of civil rights. But it was interesting to note that despite his vigorous position, he showed a willingness to recognize the necessity from time [fol. 146] to time of balancing the interests of the individual against the interests of society when the legislature takes action to protect society as a whole from threatened dangers. Throughout our discussions—discussions in which there was ample opportunity to voice and advocate extreme views—Mr. Konigsberg showed a wholesome willingness to learn from others and to test the validity of his views in the competition of such discussions. He indicated to me an open-mindedness seemingly inconsistent with any calculated disregard of his duty as a loyal and conscientious citizen.

"Based solely then upon my contact with Mr. Konigsberg as a law student, I would have no hesitation in recommending him for admission to the bar."

A letter from Harry Friedman, Assistant District Supervisor of the Department of Education of the State of California who writes:

"During my frequent contacts with Mr. Konigsberg I found him to be responsible for his statements to the patients he served and to the agencies and individuals he dealt with in their behalf. He was always sincere in his efforts to better their conditions, and in developing programs for them, showing imagination and resourcefulness. At no time during my relationship with Mr. Konigsberg have I seen evidence of anything but excellent moral character."

A letter from Mrs. Jeanne G. Young, Director of Medical [fol. 147] Social Service at the Cedars of Lebanon Hospital, who writes:

"I first became acquainted with Mr. Konigsberg in his capacity as Director of Social Service, City of Hope Sani-

tarium, Duarte, California and served as a member of his staff in the capacity of supervisor from February, 1948 through August, 1949, at which time I left in order to take my present position as Director of Social Service at Cedars of Lebanon Hospital. During the time of our association I was most impressed by Mr. Konigsberg's sincerity and integrity, both as an individual and in his professional capacity. I found him to be a person of principled conviction and willing to defend his principles even at great personal sacrifice.

"I was especially impressed with his concern for the total welfare of our patients and staff."

Now, that is only a quick sampling of the letters which are here. It is our position, of course, that these letters are sincere expressions of the feelings of persons over all of the varying years of Mr. Konigsberg's career. Now, I have copies of the letters themselves, and I think you apparently have a letter from Rabbi Jehudah Cohen, which I only have a copy of in here. With those two letters then we will submit this as Applicant's exhibit next in order.

Mr. Wright: That would be Applicant's Exhibit E if my [fol. 148] recollection is correct.

Mr. Mosk: I also have two additional copies of the list itself for the members of the Committee if they wish.

Mr. Wright: They will be received and marked. I will not put the mark on them right now. (Applicant's Exhibit E received at this point)

Mr. Mosk: Now, we have next then and finally a rather brief memorandum. I felt that the record itself and Mr. Konigsberg's own comments probably speak better for him than anything that could be prepared by way of memorandum, however I have this eight page memorandum and with copies for at least three members of the Committee which I would like to submit, and to amplify with a few additional remarks. I would like to say this:

Mr. Wright: Pardon me just a minute. I was wondering, Mr. Freston, do you have any questions you wanted to ask?

Mr. Freston: I don't believe so. I assume you will file the memorandum.

Mr. Mosk: Yes.

Mr. Wright: I take it then that this is in the nature of summation?

Mr. Mosk: That would be my intention. As I have indicated I feel that Mr. Konigsberg in two previous hearings has expressed his feelings about this hearing. One additional thing has happened since the last hearing, and that [fol. 149] is that he has received notification that he actually did pass the Bar, which I think now places the present issue even more squarely than it did earlier. I would like to thank the members of the Committee on behalf of Mr. Konigsberg for having given him the opportunity to show that he was able to pass the Bar examination itself. You probably will recall there was some question about allowing him to take the examination at an earlier date. It seems to me that this Committee has a very grave responsibility in this case. I think the issue is very squarely this: Whether the qualifications for the practice of law in California may be determined by the political, economic and social thinking of the applicant. I think this is the issue very squarely and I think that this is the matter which will have to be decided by this Committee.

I am satisfied that this is a field in which this Committee does not have the power or the authority to intrude. We have a situation where if this Committee is to decide that Mr. Konigsberg by reason of expressions of opinion or political ideas that he may have expressed at some time in the past is to be denied the right to practice law in the State of California then no person is going to be safe, either those who are attorneys and who are now practicing or who hope someday to practice in the State of California, because if this Committee can set up standards for deter- [fol. 150] mining who is to practice law on the basis of the Committee's or anyone else's opinions of what is right and what is wrong in the fields of politics, economics and social theories, then these criteria may be changed from day to day and from month to month and from year to year so that those who are at any particular time sitting as the Board and sitting in judgment on future applicants for membership admission to the Bar of the State of California, the entire determination will then be in the hands of those who sit on the board at a particular time, and I submit that this is contrary to the most basic principles of American life. We have always believed that each man stands on his own feet.

We have always said that the questions of moral character that are involved in admission to the Bar are matters of criminality, are matters dealing with moral turpitude. Mr. Konigsberg has at none of these hearings been accused of any acts which fall within the classification of what we have known as moral turpitude or criminality. The maximum that has been charged here, regardless of the question of proof, in giving to the—let us call it—accusation, the maximum weight to which it is entitled would be to assume that at some time, some thirteen, approximately thirteen years ago he may have been a member of an organization which is, let us say, unpopular in the public life today. Beyond that the only other matter which has come [fol. 151] before us which we are in a position to rebutt is the matter of certain articles which he has written. We can only presume that these articles were brought forward because they were not necessarily in line with the general political thinking of the majority of the American people at the particular time, but as soon as we start examining the writings of a person or the thinking of a person or even the political affiliations of a person we enter into a field where there is no stopping. And I submit that this responsibility lies with the members of this Committee who must decide whether because of a person's political, economic or social thinking this Committee can set itself up to determine that he may not practice law in the State of California. It is my opinion that this is contrary to the most fundamental principles of American life, and I submit that Mr. Konigsberg's application should be accepted, and I am satisfied that he will be a credit to the profession of law.

Mr. Wright: Thank you, Mr. Mosk. I was wondering whether or not you in the course of your memorandum you had addressed yourself at all to the problem of the disinclination of the applicant to respond to questions proposed by the Committee.

Mr. Mosk: I have addressed myself to that. The memorandum, however, is not lengthy and if you wish I would [fol. 152] like to say just a brief word in addition then on that point.

Mr. Wright: That is one thing that frankly bothers me that we discussed in our previous hearing.

Mr. Mosk: I can understand why that is a matter that does bother you. I think that I indicated at the previous hearing by analogy one of the answers that I feel is pertinent to this. I indicated, and I feel that in every judicial proceeding and every legal proceeding there are many matters that the tribunal would like well to know to assist it in reaching its conclusion.

The matter that comes to mind most quickly, of course, is simple hearsay which would always be of interest to the judge to know. It would always be helpful if he could have some of the hearsay matters, and many of which we would say, if we were not learned in the rules of evidence, that this might be helpful to the court, and yet the rules of evidence for good and sufficient reasons say that these are matters, because of certain fundamental principles, that the court may not know.

Now, it is implicit in what I have said up until now that matters of the political, economic and social nature, matters of the mind, cannot become the standards upon which the decision as to whether an applicant is of good moral character can be predicated. There are basic principles as to whether the Committee or any other tribunal may in- [fol. 153] quire into matters of the mind and thinking.

Now, Mr. Konigsberg is obviously, as indicated by many of these letters, and has always been a man of great principle, and I feel that the Committee, since it is our position that it may not inquire into these fields must not make its decision based on Mr. Konigsberg's principal refusal to answer questions in a field in which the Committee may not inquire. And this fundamentally is our answer that these are matters which can have no bearing on his moral fitness to practice law, and since they cannot I think it then becomes even a greater indication of the extreme principles upon which this man stands, and an even greater indication that as a lawyer he will be a credit to the legal profession.

Mr. Wright: You will file the memorandum?

Mr. Mosk: Yes. I think I have four copies there which I am filing. (Applicant's Exhibit F received at this point)

Mr. Wright: With that I take it the matter is submitted.

Mr. Mosk: It is submitted as far as I am concerned.

Mr. Wright: At least it has been and will be more of a

mental exercise, bar none, that I have tackled for a long time.

Mr. Konigsberg was then excused.

[fols. 154-155] Reporter's Certificate to the foregoing transcript omitted in printing.

[fol. 156] EXHIBIT "B" TO PETITION

THE STATE BAR OF CALIFORNIA

COMMITTEE OF BAR EXAMINERS

LOS ANGELES

In the Matter of the Application of RAPHAEL KONIGSBERG, appeal from determination of Southern Sub-Committee

(No. 1194)

Hearing of March 13, 1954

APPEARANCES:

Maurice D. L. Fuller, Chairman
Leroy A. Wright II, Vice-Chairman
Arthur E. Freston, Member of Committee
William M. Maxfield, Member of Committee
Thomas H. McGovern, Member of Committee
Vincent H. O'Donnell, Member of Committee
Sharp Whitmore, Member of Committee
Goscoe O. Farley, Secretary
Alma Stayton, Assistant Secretary
Raphael Konigsberg, Applicant
Edward Mosk, Applicant's Counsel
Carol E. Jacobs, Reporter

COLLOQUY BETWEEN MEMBERS, COUNSEL AND APPLICANT

Mr. Maurice D. L. Fuller: I will introduce the people around the table. Mr. Whitmore, Mr. Farley, I am Mr. Fuller, Mr. Wright, the reporter, Mr. Freston, Mr. Maxfield, Mr. McGovern, Mr. O'Donnell.

Gentlemen, this is an appeal from the determination of the Southern Subcommittee and it is a matter of a hearing or submission to the entire Committee.

[fol. 157] It has been the practice of the Committee in the past to deem the record which has been introduced before the Subcommittee as part of the record before the main Committee, and I might tell you the documents now already in the record.

One, we have a transcript of the prior hearings. I assume you have had a copy of that and are familiar with it. Then, there is a document entitled "Army Talk" which is Applicant's Exhibit C. There is another printed pamphlet entitled "Morale" which is Applicant's No. B. There is a pamphlet entitled "TM 28-210" which is Applicant's A. There is a Memorandum in Support of Application which is Applicant's F.

There is a black photostat of various printed articles by Raphael Konigsberg which is entitled Committee's No. 1, and that I believe is to be returned to you and we will use in place——

Mr. Edward Mosk: That is yours, the photostat copy.

Mr. Fuller: I see, we will use them interchangeably.

Mr. Raphael Konigsberg: Sometime I'd like to get the Army publications back.

Mr. Fuller: I think some time they will be available to you.

We have here a list of persons testifying to the character [fol. 158] of Raphael Konigsberg which is entitled Applicant's E. I think that carries A through F except for D. Here is D, another printed pamphlet "Why I Am in This Fight" which is Applicant's D, and then a letter dated September 19, 1948, which is attached to Statement of Raphael Konigsberg which is marked Committee's No. 3. Then a transcript of the testimony, your testimony, Mr. Konigsberg, before the California Senate Fact Finding Committee on U&-American Activities which is——

Mr. Konigsberg: The Tenney Committee, sir?

Mr. Fuller: I don't know. Mr. Tenney seemed to be the Chairman of this Committee. That is Committee's No. 2. The other documents in the record which are not identified but which we will deem part of the record are: One, your

Student's Application and Affidavit which was filed with the Committee back in June 30, 1953; then your application more recently filed on—

Mr. Goscoe O. Farley: This is Registration as a law student.

Mr. Fuller: This is original registration of law student dated December 5, 1950. Then there has previously been furnished to the Committee the full pages of the periodicals from which the editorial comments were taken. That not having a number yet, we will give it the Committee's next in order. I think that is No. 4, is that right? Anyway, it will take the appropriate number, I believe No. 4. That [fol. 159] will also be part of the record. As I previously told you the whole Committee will consider the whole record and read all the transcripts of the previous hearings—most of us have read all of it already. Now we will give you an opportunity, Mr. Mosk or Mr. Konigsberg, to say anything you wish to say or give any testimony you wish to give.

Mr. Mosk: We have this one thing, Mr. Chairman; that we are prepared to submit the matter on the record as it is now in its present condition with the exception that Mr. Konigsberg would like to add some personal remarks of his own including a statement of his general background and experience record which I think is not in the record as it now appears.

With the Committee's permission, Mr. Konigsberg would like to address himself to the Committee at this time.

STATEMENT OF MR. KONIGSBERG

Mr. Konigsberg: I will read slowly so the stenographer can get it. The other had trouble last time. I will read slower than usual.

I recognize that the Committee of Bar Examiners of the State Bar of California is empowered to pass upon the moral character of applicants for admission to the bar. This power is based upon Section 6060(c) of the Business and Professions Code:

"To be certified to the Supreme Court for admission and [fol. 160] a license to practice law a person shall be of good moral character."

A search of California cases I have made involving judicial interpretation of this code section reveals that without exception such determination has been based upon the presence or absence of conduct of a criminal nature, conduct involving moral turpitude, on the part of the applicant for admission. No instance could I find either of an applicant refused admission or of an attorney disbarred or suspended where the decision was based on the beliefs of the applicant or on any other ground but one of a criminal nature or involving moral turpitude.

That interpretation and the view that such must have been the legislative intent, is strongly supported by the grounds specifically enumerated by the legislature for the disbarment or suspension of attorneys, stated in Sections 6101 to 6106 of the above mentioned code:

"Conviction of a felony or misdemeanor, involving moral turpitude, constitutes a cause of disbarment or suspension" also "disobedience or violation of a court order . . . appearing for a party without authority" or "commission of an act of moral turpitude, dishonesty or corruption."

That interpretation is supported further by the act of the Committee of Bar Examiners itself in not including in the application form which all applicants have to fill in any [fol. 161] questions relating to beliefs in the series of questions dealing with "Moral Character." Specifically, Questions 16 to 23 inclusive inquire only whether applicant has violated any law or ordinance or committed any felony or misdemeanor, etc.

The State Bar has been administering the State Bar Act and its provisions relating to applicants for admission for many years. It must be presumed to have drafted this questionnaire. It is drafted in a manner calculated to cover all of the qualifications essential for admission to the bar. By its failure to include therein any questions even remotely related to those of the subject matter of which I was asked, the State Bar has construed the term "moral character" then as having no relationship to such inquiries. This Committee, therefore, should not now attempt to avoid the State Bar's construction of the law for the purpose of sustaining its present position.

Furthermore, the addressing of questions concerning

personal beliefs to the applicant under circumstances in which other applicants are not required in any manner to deal with the general subject matter of such questions places me in a special category and establishes for me special standards not applied to others. Such discrimination is a violation in my opinion of the equal protection clause of the 14th Amendment of the Constitution of the United States and Article I, Sections 11 and 12 of the California [fol. 162] Constitution.

Accepting then, as we must, that the "good and moral character" qualifications must be based upon the presence or absence of acts of a criminal nature, it is significant that the Subcommittee of Bar Examiners has not charged me with any such criminal acts nor have I ever been guilty of any such acts. I submit, therefore, that on this ground I must be found to of good moral character and so entitled to admission to the bar.

The only acts or words alleged by the Committee against me in the three hearings which I had are those involving my alleged beliefs. Now, unless therefore the Committee is prepared to take the position that it is now a crime in the State of California for applicants to the bar to have beliefs which are different, (if that be the case) from the views of other persons in the community or of the majority of the Bar Examiners itself, then the Committee has not alleged any grounds which may legally be the basis for refusing to recommend admission to the bar.

If the Committee's refusal in this case is based on my beliefs as appears to be the case from the nature of the hearings, then the Committee clearly is imposing a political test on the privilege of practicing law in this state. Such a position, as the members of the Committee surely know, would do great violence to the fundamental constitutional rights of lawyers, as of all citizens, to hold any [fol. 163] views that they desire. Such a position would be comparable to imposing a test oath, so abhorrent to the American concept of justice. The American Bar Association Journal No. 37 ABA Journal 123 (1951) has a series of statements signed by outstanding leaders of the profession nationally, commenting on this very point.

The Subcommittee of Bar Examiners may, then, be pro-

ceeding on the basis of the power granted it by the recently enacted Section 6064.1, the constitutionality of which has not yet been determined:

"No person who advocated overthrow of the Government of the United States or of this State by force, violence, or other unconstitutional means, shall be certified to the Supreme Court for admission and a license to practice law."

As the transcripts of my hearings will show, I have stated unequivocally that I have never advocated overthrow of the government by force and violence, that I do not now hold any such position. Furthermore, there is not a single act or word in all of the many alleged by the Subcommittee in the hearings and covering many years of my active public life which even remotely suggests any such advocacy by me. Quite the contrary, if I may say so, the entire record shows only that I was an informed and active citizen who at all times was moved strongly by my belief in the duties of a citizen in our society.

[fol. 164] It follows, therefore, that on this ground too, the Subcommittee has no legal basis for holding that I am morally unfit to practice law in this state.

It may be noted in passing that Section 6067 of the Business and Professions Code, which declares that "Every person on his admission shall take an oath to support the Constitution of the United States and the Constitution of the State of California" is not directly an issue in this case, but I wish to make it clear that I am ready at any time to take such oath.

Assuming, then, that Section 6064.1 is constitutional, it is clear that that law definitely sets the limit in this state to any inquiry as to political beliefs of lawyers, setting aside for the moment the fundamental limitations of the First Amendment. Beyond the questions, then, as to applicant's present personal advocacy of overthrow of the government by force and violence no inquiry may go. That question having been asked me and answered, no other inquiry concerning my alleged beliefs may be made.

The history of Section 6064.1 establishes that the Legislature in 1951, the year of its enactment, specifically re-

jected the concept of an expurgatory oath for lawyers in this state or for candidates for admission to the bar. This oath was contained in what was then known as Senate Bill 1666 which proposed to add such an oath to the Business [fol. 165] and Professions Code. This Bill would have required that there be added to the Business and Professions Code the following oath for lawyers and applicants for admission to the bar:

"And I do further swear or affirm that I do not advocate nor am I a member of any party or organization, political or otherwise, that now advocates the overthrow of the Government of the United States or of the State of California by force, violence, or other unlawful means, and that during such time as I am a member of the State Bar of California, I will not advocate nor become a member of any party or organization, political or otherwise, that advocates . . ." etc.

Senate Bill 1666 failed of passage. Then Section 6064.1 was sponsored by the State Bar itself and was enacted. This section now occupies the field on that subject, therefore, the Committee only has the power under this statute, as I see it, to concern itself with the present personal advocacy of the applicant. It cannot inquire into the political affiliations, beliefs or associations of the applicant, since the Legislature, by failing to adopt Senate Bill 1666, excluded the other areas in the realm of belief. No such personal advocacy of force or violence was even alleged against me in the three hearings.

Now, despite the limitations imposed by the present law, the Subcommittee persisted in directing to me many other inquiries concerning my beliefs and ideas. In doing so, I [fol. 166] I regret to say the Committee clearly displayed the mark of the censor. The questions of the Committee related to my participation in campaigns to secure a peaceful solution of international problems or such matters as criticism of current foreign and domestic policies. Surely it is not criminal yet in this country and state to express opinions about current events. I might mention in passing that many of these opinions are expressed by leaders of the Bar, Justices Black and Douglas, Dean Griswold of Harvard. Is the Committee prepared to say such persons

are morally unfit to practice law in the State of California?

One must conclude, from the nature of the Committee's questions, it believes those who do offer such opinions not fit to practice law. Such a policy is one of opposition to ideas, clearly a policy that is antagonistic to the genius of the American democratic system. To show how abhorrent such a practice is, we need only ask this question: Could the State Legislature pass a law saying that anyone who opposed war or who favored fair employment practices, for example, was not fit to practice law in this state?

My position, stated briefly, is based upon the rights guaranteed to every citizen, lawyer or not, under the First Amendment of the Constitution of the United States, and Article I, Section 1 of the California State Constitution. We need not present any detailed, documentary evidence [fol. 167] to support the position that this First Amendment is relatively clear, but to summarize my position:

(1) This Committee of Bar Examiners of the State Bar of California is not empowered to make an individual's beliefs and opinions (with the exceptions noted, that is Section 6064.1) the basis for determining his moral fitness to practice law.

(2) Such a policy, if established, would destroy the independence of the Bar and destroy the freedom of choice of counsel.

(3) Since no other charge was offered against the applicant but the one allegedly involving unpopular beliefs, no constitutionally recognizable grounds reflecting adversely upon my moral character were offered and, therefore, I have affirmatively carried the burden of proving my good moral character and I am entitled to a Certificate of Admission from the Committee.

The conclusion is unavoidable that the Southern Subcommittee failed to consider properly the evidence in this case and I base this conclusion on these three grounds or items:

First, the Subcommittee in violation of its own rule, Rule 10, Section 101, failed to state any findings of fact or specific reasons for its decision when it informed me by mail it was denying me certification. This is such an unreason-

able act as to constitute both abuse of discretion and in- [fol. 168] fringement of my rights under Article I, Section 1 of the California Constitution and under the Fourteenth Amendment of the Constitution of the United States.

Even in cases reviewing loyalty hearings relating to public employment it has been held that due process of law is not to be ignored, though only a privilege (such as the privilege of practicing law) is being considered and I cite the two cases of *Joint-Anti-Fascist Committee vs McGrath* 341 U.S. 123, and *Weiman vs Updegraff* 344 U.S. 183. Furthermore, the U. S. Supreme Court has often held, as the Committee well knows, that neither Congress nor the states (and therefore, nor any state body such as the Committee) can circumvent limitations on these constitutional powers by indirection or by the pretense of regulation and I cite the authority, among many, *Frost vs Railroad Commission of California* 271 U.S. 583; *Near vs Minnesota,* 283 U.S. 697.

Second, a further question relating to the issue of fair play and due process of law is raised by the fact that ever since I began the study of law in September of 1950, the Committee of Bar Examiners has been informed of my record and my character. If there is a question as to my moral character, why did the Committee wait over three years until just ten days before the Bar examination to call me in for interrogation? Why did it permit me to pursue a [fol. 169] long and strenuous course of study for a man of comparatively advanced age at great sacrifice and effort to myself and my family? Since I began the study of law at the age of thirty-nine and a half years, I can safely say my moral character would not be likely to change while I was studying law.

Finally, a dispassionate evaluation of the total record made over a long and comparatively public career must lead to the conclusion that at any rate I am a rather mature person with a pronounced sense of personal responsibility for my duties as a citizen which I have attempted to discharge, and one who would conscientiously discharge the duties of a lawyer. This conclusion, if I may be so immodest, is based on the following brief record of experience and education:

First, graduation from USC Law School in June 1953, and passing of the October 1953 Bar Examination in California.

Secondly, receiving a Bachelor of Arts Degree at Ohio State University, Columbus, Ohio, June 1931, where I received teaching credentials and completed four years work in three.

Third, the Master of Arts degree in Social Administration from the Graduate School, Ohio State University, August 1935. I was granted a scholarship for this work.

[fol. 170] Fourth, completed one year's course in Local Municipal Administration (because of my interest in public affairs) given by the Institute for Training in Municipal Administration in Chicago 1940 to '41.

Fifth, completed two seminars of work at Claremont College, Claremont, California in preparation for the Doctor of Philosophy degree, 1941-42. Unfortunately, this was interrupted by World War II and my enlistment therein.

As to my professional experience, from 1932 to 1933 I was a teacher in the high schools of Cleveland, Ohio, teaching American History and English Literature.

From 1933 to 1950, social work executive for various agencies in Washington, D. C., Cleveland, Ohio and Los Angeles.

As to my military service, I enlisted in the U. S. Army October 1942. Commissioned as Second Lieutenant of the Medical Administrative Corps. Served as Commanding Officer, Detachment of Patients, Lovell General Hospital, Fort Devens, Massachusetts until February 1944. Then sent to Army Orientation Staff School, Lexington, Virginia for further training in orientation. Sent overseas June 1944. I served in North Africa, Italy, France and Germany, primarily as Orientation Officer.

I was promoted to Captain and served as Orientation Officer for the entire U. S. Seventh Army in Germany in [fol. 171] which post I was responsible for the orientation program for 400,000 American troops. Honorably discharged April 1946.

Now, as to my civic affairs, I was a candidate for office three times. I was a candidate for the Los Angeles Board

of Education in 1947 and '49. I was a candidate for the State Assembly in 1950.

Finally, with respect to my character, the letters you received from 36 outstanding citizens in this community I think should bear some testimony. These people were doctors, lawyers, ministers, business men, social workers. I have asked the weight the Committee should attach to these letters and cite two cases: California Supreme Court case *In re Stepsay* 15 Cal. 2nd 71 (1940), the Court said such letters are "entitled to a most respectful consideration by this court when passing upon petitioner's moral fitness to practice law in this state."

And again in the case of Warbasse vs State Bar 219 Cal. 566 (1933), the Supreme Court said, "We believe that the opinions of those who have had ample opportunity to know his character and to observe his conduct over a long period of years is entitled to a great deal of weight."

As further evidence of my conclusion I have affirmatively carried the burden of proving my good moral character, [fol. 172] may I point to my conduct before the Subcommittee in three hearings. In the hearings may I say I steadfastly demonstrated my adherence to the basic constitutional concepts of our society. Even when a member of the Committee pointedly implied that persistence in this attitude might cost me my license to practice law, I declared it to be my duty as a citizen to defend our constitutional principles and to refuse to join in what I believed to be undemocratic conduct or activities.

In closing, I respectfully urge the Committee of Bar Examiners to decide this case on the basis of broad principle. A reversal of the action of the Subcommittee, which I ask, a reversal of the case based on constitutional guarantees and elementary justice, will go far in my opinion in arresting the trend toward the application of thought control to the Bar, toward the destruction of the independence of the Bar, and would strengthen faith in our democratic system.

I respectfully submit this as my statement.

Colloquy between Members, Counsel and Applicant

Mr. Mosk: That completes our presentation. We have nothing further to offer at this time.

Mr. Fuller: I am sure some questions may have occurred to the northern members of the Committee who have read the record. I think they ought to ask them to complete the record.

Mr. Konigsberg, you made a statement just now and I [fol. 173] think it is somewhere else in the record, speaking of some prior knowledge of the Committee. Are you contending that the Committee knew anything about you prior to these recent proceedings other than set forth in this application?

Mr. Konigsberg: Yes, because the petition registering as a law student was filed back in 1950 . . .

Mr. Fuller: That document you are now exhibiting . . .

Mr. Konigsberg: . . . and in that application was given pertinent information as to my activities. That document too, rather in connection with that document. The Committee has the copy I believe. It is of my appearance before the Tenney Committee, and so forth, all of which suggest, I presume, in the minds of the Committee grounds for suspicion. They existed in 1950 and I have done nothing since then. I have been too busy studying law to do anything else.

Mr. Fuller: Did we have before us any transcript of the Tenney Committee hearings at the time we got this?

Mr. Farley: I don't think so.

Mr. Mosk: I think there is a question on the form which requires reference to that.

Mr. Fuller: What I am trying to find out is if there is anything besides this form that he is relying on.

[fol. 174] Mr. Konigsberg, will you point out on that form the particular material you are speaking about?

Mr. Konigsberg: The first is my statement in the first question of my employment with the California Eagle. The very first questions directed to me at the first hearing by the Committee were, in effect, why was I writing this material for the California Eagle.

Mr. Fuller: What you are saying . . .

Mr. Konigsberg: I report that I was employed at the

California Eagle, and the documents you have here are reprints, duplicates of the columns I wrote for the Eagle.

Mr. Fuller: You have reason to believe that this Committee which receives these applications—of which we receive hundreds and thousands—will run them all down, make the investigation we now make at the time of admission to practice, because that is not a fact.

Mr. Konigsberg: Isn't it a logical assumption?

Mr. Fuller: Regardless of your assumption, I want to know the facts on which you base your statement.

Mr. Konigsberg: The Committee was informed in 1950 that I was prepared to study law in this application, and the information therein could have provided grounds for suspicion as to my moral character in 1950 as easily as in 1953.

Mr. Fuller: You have no basis in fact to testify that [fol. 175] these editorial statements were in the records of the Committee any time before?

Mr. Konigsberg: No.

Mr. Fuller: That is all I want to make clear. All you are saying is that we had that document in our file and if we had spent a great deal of time, or the time that we have spent at this time, we might have dug out this additional material.

Mr. Konigsberg: I am saying that whatever is grounds for suspicion existed in 1950. I have done nothing since then—I have been too busy studying law—which would add to the record.

Mr. Fuller: That is your assumption. You have no factual evidence to support that.

Mr. Konigsberg: That is a fact that in 1950 I submitted this application.

Mr. Fuller: I want to know the factual material which would indicate that this Committee knew at that time what it knows now.

Mr. Mosk: I think the only point is this: Mr. Konigsberg's point is that he submitted this application and he presumes that any matters that the Committee has now turned up raising questions as to his moral character were available at the time he submitted this application.

Mr. Fuller: I am willing to let the record stand on that basis.

[fol. 176] Mr. Vincent H. O'Donnell: What is the title of the application?

Mr. Konigsberg: The Committee have about the only title. It is the one on which every person who studies law or decides to study law must register.

Mr. Fuller: Mr. Konigsberg, what have you been doing with your time during the last year? What is your present employment?

Mr. Konigsberg: I am not employed, sir.

Mr. Fuller: What are you doing?

Mr. Konigsberg: I am hoping to get employed but I am unemployed now. My wife is employed, fortunately, and we are able to get along.

Mr. Fuller: What organizations do you presently belong to?

Mr. Mosk: To which I object on the grounds that this is a violation of the witness's rights under the First Amendment of the Constitution.

Mr. Fuller: You mean to say that he shouldn't tell us whether he belongs to the Elks or the Masons or things of that sort?

Mr. Mosk: That would be my position.

Mr. Fuller: We can't determine any organization he belongs to? He doesn't have to answer at all?

Mr. Mosk: That would be my position that his beliefs and associations are not within the scope of this hearing.

[fol. 177] Mr. Fuller: It does not necessarily relate to beliefs. We all know many organizations are not based on beliefs. I think we are entitled to know who he associates with.

Mr. Konigsberg: I respectfully say that you are not entitled to know my associations and any person may refuse to answer on the basis of the rights of a citizen under the First Amendment which I have previously referred to in my testimony.

Mr. Fuller: You testified before the Tenney Committee. I assume you have re-read your testimony.

Mr. Konigsberg: No, sir, I haven't re-read it. I had forgotten about it until Mr. Freston referred to it in the first

hearing. I don't recall what is in it. I have a general idea, yes.

Mr. Fuller: Do you have any reason to change your testimony, your position you took in that? Is that still your position, whatever you may have said at that time?

Mr. Konigsberg: I can't recall everything I said.

Mr. Mosk: May the witness re-read it?

Mr. Fuller: I would be glad to have him re-read it and tell me how he would change that testimony at this time, if he would change it, or anything he may have said at [fol. 178] that time. (Document was handed to witness)

Mr. Konigsberg: Do you wish me to read all of this?

Mr. Fuller: Yes, I think we can afford to take the time.

. . . Whereupon there was a recess while the witness read the document referred to . . .

Mr. Fuller: Everyone is present now. Are you ready to answer the question?

Mr. Konigsberg: Yes.

Mr. Fuller: Is there anything about that testimony that you wish to correct in view of the present circumstances?

Mr. Konigsberg: No, there is nothing I would correct. You mean the sense or the type of answer I would give?

Mr. Fuller: Yes, exactly.

Mr. Konigsberg: I might not give the answers, perhaps, in the same way, but I think the general import would be about the same.

Mr. Fuller: The position evidenced there would be your position at present?

Mr. Konigsberg: I think, generally speaking, yes.

Mr. Fuller: In some of these editorials written by you there is some language I would like to question about. In [fol. 179] the editorial entitled "Time for Courage" you make the following statement:

"We must also arm ourselves with the truth about the world's daily events. This will be found only in such publications as the California Eagle, People's World, National Guardian and the new negro monthly, "Freedom". And in the radio programs of an Averill Berman."

Is that a correct statement?

Mr. Konigsberg: You mean did I say that?

Mr. Fuller: First, yes.

Mr. Konigsberg: I presume I did if that is an accurate copy of the column I wrote.

Mr. Fuller: Is that still your position?

Mr. Konigsberg: How do you mean "still my position"?

Mr. Fuller: Is that still a true statement? Is that what you would testify to be a true statement?

Mr. Konigsberg: Well, the material I wrote there I wrote as a working newspaper man, Mr. Chairman. I think—when a person writes for any publication, I think there is involved a question of freedom of the press as well as freedom of speech which I have referred to before.

Mr. Fuller: In truth or falsity?

Mr. Konigsberg: Regardless of truth or falsity, it is a question of—having been a newspaper man, I think the material one writes for newspapers, or magazines or books [fol. 180] is clearly covered in the First Amendment as well as freedom of speech. I am stating that as my belief which I am willing to admit. If this is an accurate copy of the column I originally wrote (I don't recall the date) then I did say that. As to whether I still believe this or not, then I think you are venturing into the realm of belief again.

Mr. Fuller: You refuse to answer that question?

Mr. Konigsberg: I don't refuse to answer. I say that on the basis of my rights under the First Amendment I am not required to answer such a question.

Mr. Fuller: Then you are refusing to answer.

Mr. Konigsberg: I don't believe I am refusing to answer. If that is the Chairman's interpretation, that is his privilege.

Mr. Fuller: Is it your interpretation that newspaper men have the right to print false statements?

Mr. Konigsberg: No, I wouldn't say a newspaper man should knowingly print false statements. As a matter of fact I think he should, and I believe most newspaper men, or all newspaper men, have held to a high standard of veracity in everything they write.

Mr. Fuller: Was this a true statement at the time you wrote it?

[fol. 181] Mr. Konigsberg: If I wrote that, I must have believed that at the time.

Mr. Fuller: Do you believe it is a true statement at the present time?

Mr. Konigsberg: As I said, what I believe at the present time I think is included as to the extent of your inquiry into my beliefs.

Mr. Fuller: You refuse to answer?

Mr. Konigsberg: No, I don't refuse to answer. I believe that what I believe today has no bearing on my moral fitness to practice law.

Mr. Fuller: Now, in the editorial entitled "The American Revolution"—or at the end of the editorial entitled "If I Were President" there is a legend reading as follows:

"Free Lawson, Trumbo, Dennis, Fast or this year of freedom may be your last! Write the President."

What were those gentlemen incarcerated for at the time?

Mr. Konigsberg: Larson, Trumbo and who else?

Mr. Fuller: Dennis and Fast.

Mr. Konigsberg: Well, as I recall, Lawson and Trumbo of course were two of the Hollywood Ten who refused to testify or took the position again on the First Amendment, if I remember correctly, before the Un-American Commit-[fol. 182] tee of Congress, then they had been sentenced to jail for a year for contempt of Congress. I don't recall what Fast was.

Mr. Fuller: What was Dennis?

Mr. Konigsberg: That was also contempt as I recall, before the Un-American Committee. I think you are thinking of the United States vs. Dennis. That wasn't the case.

Mr. Fuller: I am not thinking of anything.

Mr. Konigsberg: This, as I recall it, was a contempt situation before the Un-American Committee of the House.

Mr. Fuller: Dennis was ultimately convicted of a crime?

Mr. Konigsberg: Later, I think.

Mr. Fuller: Is it your present position that Dennis should be freed from that conviction?

Mr. Konigsberg: Again you are venturing into the realm of belief, what I believe today. Anything I wrote, if it proves to be what I wrote, I wrote what I believed to be the truth at the time. I never wrote anything I didn't believe to be true. I think if you ask my opinion today that

is another matter. You are not asking something about what I did as a matter of public record.

Mr. Fuller: Is it your position the Committee isn't entitled to determine whether or not an opinion or an attitude [fol. 183] or an action which you may have done in the past—that these things may not be a subject of inquiry to determine whether or not they still continue?

Mr. Konigsberg: I don't follow that.

Mr. Mosk: May I interpose an objection? I think that the questions which you are asking with relation to the present beliefs of the applicant are improper questions under the authority of the Committee and the laws of the United States. The standards set for good moral character as determined by the courts of this state have never included as a basis for determination that a person is not of good moral character by reason of any beliefs he might have, certainly not any beliefs in the political realm.

Every case recorded in the State of California has been a case involving a commission of some crime by the applicant or by the attorney, and it is, I think, Mr. Konigsberg's position that making an inquiry into this realm, you are going beyond the scope of the authority of the Committee and beyond the law as has been determined by the Supreme Court in past cases.

Mr. Fuller: I think we understand your position. I think you should know that quite possibly the Committee doesn't agree with that. I believe that once having taken a position on a matter publicly he may have waived his privilege (if he had any) and we are entitled to know whether or not [fol. 184] that condition continues. I won't argue the matter with you now, but I want you to understand that we understand your position and we want to state our position, at least in a way.

Mr. Mosk: May I comment briefly on that? There is a great distinction between a statement which may have been made in a newspaper, which is a matter of record, of course, but I think that even assuming that this is the case, that it is a matter of record and does come into the record, it is our position that this cannot be a basis. Even these statements which are statements of belief cannot be a basis

upon which determination of the fitness within the realm of moral character can be determined.

Mr. Konigsberg: May I ask this question, Mr. Chairman: Is it the Committee's position (and I would sincerely like to know) that it has the power to ask such a question and that questions relating to opinions do have a bearing on the applicant's moral character?

Mr. Fuller: I don't want to put it on that basis. It is my position, not necessarily the entire Committee's position, that we have a rather general scope of inquiry to determine whether an applicant tells the truth, for one thing. I think that is a factor in determining whether or not he is morally qualified. He may state that he is not now a Communist, if he has been a Communist in the past, and if we believe he [fol. 185] is telling the truth, that will have a bearing on our determination. I think we have the right to test the veracity of the applicant to the extent that if he denies that, I am influenced in the final conclusion I will come to, that I haven't determined yet. I do think that the applicant who wishes to afford us the facilities for determining his moral character to the utmost, should permit us to test his veracity.

Mr. Konigsberg: Mr. Chairman, in all sincerity I have attempted to show in my initial analysis that under Section 6064.1, that I think sets the limit to any inquiry that any body of Examiners has. Once you ask "Do you now?", does that person advocate the overthrow by force, violence, or other unconstitutional means, and he answers, as I have answered, that he does not, you cannot ask any questions about his opinions. You are not empowered to ask any questions. There is some question as I pointed out in my statement whether this is constitutional even to allow it to this extent.

Mr. Fuller: Do I understand that it is your position, and I think I understand your position, that we should not go ahead and find out whatever information we can obtain in order to make the best decision?

Mr. Konigsberg: I make this point which I did not make before that I don't think constitutional such action, to [fol. 186] draw inferences of the truth or falsity of any statements based on the position (whether of the First or any other Amendment) which the applicant takes. For the

Bar to maintain the position, as the Chairman is doing, that it does have the right to ask about my opinions (at least as he is doing this afternoon), as I pointed out these opinions and beliefs which have been expressed coincide with those of prominent leaders of the Bar, which they are expressing today, and the ultimate logic of such a position, then, would be that Dean Griswold and Justices Douglas and Black could not practice law in the state of California. I am wondering if that is the position the Committee wishes to take.

Mr. Fuller: There is no position of the Committee. I am only one member. We are conducting an impartial examination.

To return to the editorial entitled "Court of Last Resort" dated May 11, 1950, there is this language:

"When the Supreme Court of these beknighted states can refuse to review the case of the Hollywood Ten thus making that high tribunal an integral part of the cold war machine directed against the American people—then the enemies of democracy have indeed won a major victory. When the commanders of the last legal bulwark of our liberties sell out to the enemy, then the fascists have gone far, much farther than most people think.

[fol. 187] "He who cannot see the dangerous, damnable parallel to what happened in Germany is willfully blind."

You made that statement?

Mr. Konigsberg: If that is a correct copy of what I wrote, I made the statement at that time, yes.

Mr. Fuller: And would you make that same statement today?

Mr. Konigsberg: Again I give you the answer that because of the guarantees of the freedom of speech, the freedom of the press, under the First Amendment, the Committee is not empowered to inquire into what I think or say today.

Mr. Fuller: Have you any evidence to support your statement that the Supreme Court sold out to the enemy?

Mr. Konigsberg: I think I covered that in what I said in answer to your previous question.

Mr. Fuller: I don't believe it is any evidence to support that statement.

Mr. Konigsberg: Are you asking me if I have any evidence now?

Mr. Fuller: Did you have any evidence then?

Mr. Konigsberg: I think the same answer applies.

Mr. Fuller: What is the answer?

Mr. Konigsberg: The Committee is not empowered to ask me questions relating to what I thought or the opinions I expressed.

[fol. 188] Mr. Fuller: This is a statement of fact. You made a statement of fact. You had something to base that on?

Mr. Konigsberg: What I had then, or what I knew then or had then I am not in a position to recall. Whether I believe it now, I think my previous answer applies. Is the Committee suggesting that any criticisms of any governmental institutions makes one morally unfit to practice law?

Mr. Fuller: I am suggesting this personally, that anyone who is to become an officer of the Court should not, without very good evidence, accuse the judiciary, particularly the Supreme Court of the United States of being subject to bribes and treachery and selling out.

Mr. Konigsberg: Mr. Chairman, the Supreme Court as well as other courts have been accused in many publications.

Mr. Fuller: Your are speaking of the entire Supreme Court, you are not talking about any individual, but the institution as such?

Mr. Konigsberg: I am referring to the Supreme Court.

Mr. Fuller: Do you believe that it is possible for the present Supreme Court to sell out?

Mr. Konigsberg: What I think was answered by my [fol. 189] previous answer to the question, when I answered the Committee that legal scholars about the country are making comments similar to this.

Mr. Fuller: They disagree with the results. Can you quote any others to me who accused the court of selling out or being subject to bribery?

Mr. Konigsberg: I don't know whether that is a fair inference of what I said.

Mr. Fuller: What inference should we draw?

Mr. Konigsberg: I don't know. You may draw whatever inference you feel competent to do.

Mr. Fuller: That is what I thought.

A lady by the name of Bennett testified here. You heard her testimony. Is there any part of that testimony you wish to deny?

Mr. Konigsberg: Well, again, Mr. Chairman, that is the same question. That is a question relating to opinions, beliefs, political affiliations.

Mr. Fuller: It has nothing to do with beliefs.

Mr. Konigsberg: It certainly is related to political organizations, political activity, however you choose to describe it.

Mr. Fuller: Do you want to read it again?

Mr. Konigsberg: I recall it.

Mr. Fuller: Do you wish to deny any part?

[fol. 190] Mr. Konigsberg: I wish to say that any questions relating to such political affiliation, which the testimony dealt with. . .

Mr. Fuller: You refuse to affirm or deny her testimony?

Mr. Konigsberg: The Committee is not empowered to ask with regard to political affiliations or that type . . .

Mr. Fuller: I am calling your attention to the fact part of it is not connected with political beliefs or associations.

Mr. Konigsberg: Which part? . .

Mr. Fuller: You are free to read it.

Mr. Konigsberg: If you wish, I shall be glad to.

Mr. Fuller: If you want you may either affirm or deny anything if you need to do that. We want to afford you the privilege. (Witness read the testimony referred to).

Mr. Konigsberg: Mr. Chairman, I think I would recall all the questions relating to me. She answered a number of questions not relating to me. All relating to me are based on a matter of political affiliation or opinion and political association and I think that is amply covered under the protection of the First Amendment as I referred to a moment ago. The Committee's rights to inquire about this matter are limited to one, the present personal advo-[fol. 191] cacy of the overthrow by force or violence or other means as set forth in 6064.1.

Mr. Fuller: If you were called on to bear arms against

a communist country on behalf of the United States would you do so?

Mr. Konigsberg: I think that question, too, is covered under the guarantees mentioned a moment ago. I would say, certainly, if my country called me to arms; as I enlisted before, I would certainly serve in the armed forces.

Mr. Fuller: Regardless of the enemy?

Mr. Konigsberg: Regardless of the enemy.

Mr. Fuller: That is all for the moment. Does some member of the Committee have any questions?

Mr. O'Donnell: Are you a member of the Communist party now?

Mr. Konigsberg: How does that differ from the questions asked before?

Mr. O'Donnell: I would just like you to answer it.

Mr. Konigsberg: The answer is the same I would give. The Committee is not empowered to inquire any more than they may inquire whether I am an Elk, a Freemason, a Democrat or a Republican. It might become incriminating to be a member of the Democratic party today, like saying all Democrats are traitors.

[fol. 192] Mr. O'Donnell: Have you ever been a member?

Mr. Konigsberg: I would give the same answer.

Mr. O'Donnell: You refuse to say whether you now are?

Mr. Konigsberg: I refuse on the ground that the Committee is not empowered to question anyone about political opinions or affiliations, whether past affiliations or present ones. I say this can have no bearing on moral qualifications to practice law, unless the Committee is prepared, as I said in my statement, to take the position that it is now a crime in California to have opinions different than general popular opinions or conforming opinions.

Mr. Fuller: Of course, the Committee takes the position it is doing so affirmatively, when it goes before the Supreme Court and states you have the proper moral character and we feel we have the right to inquire very deeply into that because it is an affirmative obligation on our part.

Mr. Konigsberg: I think, Mr. Chairman, on that point the court has said—

Mr. Fuller: We may be wrong. The Supreme Court may tell us otherwise but that is the way it appears at the moment.

Mr. Konigsberg: I think in taking such a position the Committee is, as I have said clearly I think, doing what I [fol. 193] consider to be an unconstitutional, wrong or illegal act—not criminal. I mean the constitution doesn't permit such conduct on the part of public bodies, or if I may express it this way, the Committee's stand with me. In any defense that is constitutional rights as applied to everyone.

The other day in the Legal Journal there appeared a clipping—

Mr. Whitmore: What paper?

Mr. Konigsberg: The Los Angeles Daily Journal, I should say, of February 25, 1954. I meant to refer to this when I was reading before. This is a commendable service that the State Bar is publishing under Legal Problems of the Profession. This relates to various constitutional privileges—you may see it, if you wish, Mr. Chairman—and the lawyers are attempting to inform the public (potential clients, I presume) and providing a source which they may rely on. Several days before that, Mr. Jameson, president of the American Bar Association, the national president, made the statement that—one sentence is apropos on this point.

In the Los Angeles Daily Journal of January 22, 1954, the President of the American Bar Association, Mr. Jameson, said "We recognize that all lawyers as citizens retain all constitutional rights, including the right to refuse to testify if their testimony might tend to incriminate them. [fol. 194] Asserting that right discloses difficulties for the practice of law."

I am not invoking—nor have I at any of these hearings—the Fifth Amendment. The point I am making is that it is inconsistent for the President of the Bar Association to make this statement when the local Bar comes out with a commendable public relations effort to educate the people to their rights under the constitution in direct contradiction.

I don't think you can deny the position taken by the State Bar in this article and similar articles and by the National Bar. They say, "Sure, you have the right, but if you invoke the right you won't make a living." This has profound implications in any democratic society. This is what the

totalitarians did. They said, "Sure, do it, but if you do we will deny you a living."

I think this is wrong. Isn't it contradictory to tell a citizen "You have the right" but he will lose his livelihood and his life practically speaking.

Mr. Fuller: You made the statement you have nowhere in these proceedings invoked the Fifth Amendment.

Mr. Konigsberg: That is right.

Mr. Fuller: You have been consistently invoking the First Amendment.

Mr. Mosk: May I for the record note that the witness was [fol. 195] referring to the Los Angeles Daily Journal of February 25, 1954, an article entitled "Law in Action" and at the bottom it says "The State Bar of California offers this column for your information so that you may know more about how to act under our laws."

The following two paragraphs appear in that article:

"In a trial the judge decides what evidence can be heard. He applies the rules of evidence so that truth, relevant truth, may come out in court to decide guilt or innocence, liability or not."

And a later paragraph:

"The court cannot make you testify against yourself. This is written into our Bill of Rights as a protection against tyrants and torture."

Those are quotations from the Exhibit to which the witness referred and was reading from.

Mr. William M. Maxfield: Are you offering to put the whole article in?

Mr. Mosk: Yes, we will offer it. (The document was then handed to the Chairman)

Mr. Konigsberg: I would appreciate it very much if I might have a minute to comment on something. I did not include this in the original presentation so it wouldn't be too long but it is very much the thing you are saying now —three paragraphs.

In my original outline which I was going to offer I en- [fol. 196] titled this "Duty of Bar Examiners" and I think that is what we are considering although it may be my misconception.

In discharging the duty of determining the applicant's moral character, the Committee of Bar Examiners has the

correlative duty of upholding the applicant's constitutional rights. Justice Jackson has said (36 ABA Journal 607) that lawyers are "the chief instrument by which society applies its laws and its sanctions to the individual"; and further, they serve under a "guardianship of our traditional liberties and our legal institutions".

President Eisenhower recently observed that "the role of the lawyer in the daily life of our nation and communities is vital to our democracy" and that "the lawyer is the guardian of individual liberties granted under our Constitution and their defense is one of the main objectives of the American Bar Association." (Quoted by William J. Jameson in the Los Angeles Daily Journal 1/22/54)

If this is so, and I believe it is so, it seems to me that the role of the lawyer today in America in what I think you will all admit is a very critical period for our democratic society, is a profound one for good or bad and I don't think I have to elaborately document this point, but I quote this one: Justice Douglas expressed the opinion that "There has probably not been a period of greater intoler- [fol. 197] ance than we witness today. The Communist threat inside the country has been magnified and exalted far beyond its realities. Fear runs rampant." This is from the New York Times Magazine of February 13, 1952.

It seems to me the very disturbed situation in which our country exists today offers a really great opportunity for the legal profession to help in defending our democratic rights, and one way we can do this is for a group of lawyers to do it, such as a Committee of Bar Examiners who certainly, when they were admitted to the Bar, swore to uphold the constitution and to refrain from actions which might be considered unconstitutional.

I think it is general knowledge that the legal profession really had its beginnings in the centuries old struggle for preservation of human rights. Much of the progress in those centuries has been due to the efforts of lawyers, advocates and barristers down through the years.

This central issue of our time, whether the democratic society shall survive, is in a sense focused in cases such as this. This is where democracy is defended, in little hearings, in meetings, in conversations, not on the greater stage of Congress or the state legislative body.

How those rights are developed and enhanced in the courtroom or the hearing room is the front line of defense [fol. 198] of democratic rights and lawyers play the key role. This Committee in this instance and in similar instances is playing the key role. What it does or fails to do will contribute to the undermining of democratic rights or upholding them.

Mr. O'Donnell: Do you think we as Bar Examiners would be upholding that obligation if we certified a member of the Communist party to the Supreme Court for admission?

Mr. Konigsberg: Again I think my answer would be similar to the way in which I answered before, that is in the realm of ideas, opinions and such and has no bearing on the moral qualifications to practice law.

Mr. Fuller: You give a great deal of time to expressing your opinions on a great many subjects. Right now you take one side of the dilemma, yet when you are asked a question on the other side of the dilemma, you never answer.

Mr. Konigsberg: I don't think you can say I have taken that position all through—the transcript of all the hearings will show these opinions have no bearing on my moral qualifications to practice law. On the major premise I have answered directly. You said a moment ago that I was giving answers based on my constitutional guarantees. There is no contradiction on this point. I am not expressing opinions here, I am analyzing in effect and in form my own [fol. 199] views why I think the action of the Subcommittee of Bar Examiners was correct or incorrect.

This is what I am called upon to do in making an appeal for reversal. I am not offering opinions which have no bearing on the issue. Certainly where it bears on for what reasons I think the action correct or incorrect, I am compelled to take this position. Again, in answer directly to the point you are making, my conception of my duties as a citizen, whether in regard to applying for bar membership or anything else, tells me that I can't join any action I consider unconstitutional or undemocratic, call it what you will. I think you are not empowered to inquire into a man's beliefs any more than you can ask whether he is a Christian Scientist or a Seventh Day Adventist or Jewish

or anything else. It has no bearing on his qualifications to practice law.

The Committee has established these qualifications in its questions when you register and when you have passed a law school examination in other questions dealing with moral character relating to acts of a criminal nature, not academic points. Unless every case in California—not every case, but I have searched the total record involving disbarment or suspension from the bar, and if it isn't based on an act of a criminal nature or moral turpitude there is no action against me, no legally recognizable grounds against me, no justifiable grounds unless the Committee [fol. 200] is prepared to say that having opinions different than those which the Committee approves is reason for calling a person immoral. Once you do that it is inevitable that the next step denies persons admission to the bar for unpopular beliefs, then proceeds to the disbarment of those who have such opinions, then proceeds to deny counsel to others of similar opinions. This is the inevitable trend. It is happening in other parts of the country, I am not guessing, others have been disbarred for similar reasons. In doing their duty under the law as it is, I think the action of the Subcommittee was wrong. I don't say it was done purposely, it is their interpretation of their powers under the law, but as it exists today that is simply that you are empowered to ask do I, personally, advocate the overthrow by force or violence or other unconstitutional means and at the time I say "No" you can't ask any further political questions.

Mr. Fuller: I don't think you should go away with any conception that the Committee agrees with your contention that it is limited by the scope of the questions in the application. That is the starting point as far as the Committee is concerned. We couldn't put all the questions in this which might occur in a given situation.

I don't want you to be misled on that or go away thinking that the fact that four or five cases
[fol. 201] have gone to the Supreme Court in given situations precludes other situations from arising. That could be a happenstance.

Mr. Konigsberg: There are a dozen cases in California alone, not four or five.

Mr. Fuller: I do not feel limited in case a new situation arises which comes within the scope of the inquiry. It is just an accident that the field happens to have limited itself to the cases which are now reported. A new case could come up tomorrow.

Mr. Mosk: If I may say this, in the brief I submitted to the Subcommittee, I believed I cited an Idaho case which I felt was the only one which even approached the present situation, in which, it must have been the Idaho Supreme Court as I recall reversed a determination by the Committee refusing admittance, or perhaps it was disbarring for membership in the I.W.W. at the conclusion of the first world war.

I think, if I may say this word in summary with relation to the issue we have here, I think I expressed it pretty much at the last hearing. It is all in the record but I do feel that the basic issue this Committee is faced with is to determine for itself whether it is prepared to say that it may make a determination of moral fitness on the basis of the beliefs or opinions of the applicant and I think that the question [fol. 202] resolves itself to this fundamental question, because as soon as you start making gradations within beliefs—that this belief is satisfactory, this belief is not—I say then that the Committee of Bar Examiners must be setting itself up as the judge of what beliefs are correct and what beliefs are incorrect.

No matter how you twist it or turn it, in approaching the Konigsberg case this is the fundamental issue that must be decided, whether a man's beliefs must be a basis for determining a good moral character.

I think this is a fortunate case to be before the Committee because they are dealing with a mature man who commenced the study of law at the age of thirty-nine so he already had a full record of community activity behind him and he was in a position to present before this Committee affirmative evidence of good moral character, something I suspect is most difficult with the average twenty-one or twenty-two year old applicant who has had no activity in the community.

Here we have attempted to approach this case, at least

from the point where I began consulting in regard to it, from that point of view and we are prepared to make to this Committee an affirmative showing of good moral character. I think we have done that with the list of letters and the caliber and quality of the people who came before this Committee in effect through their letters and we were privileged to [fol. 203] bring many of these people before the Committee but it was felt that the time consumed by bringing thirty-six or more persons before the Committee would work an undue hardship on everyone concerned.

Here we have an affirmative showing of thirty-six persons scattered throughout his adult life and we consciously did this; we picked people who knew him in the early period, the middle period and who knew him now. All of these people have spoken in the most glowing terms of his good moral character and their belief that he would make, by reason of his moral character, a good attorney.

So, I submit that under these circumstances the issues must be faced squarely by this Committee in making its determination. Are you prepared to say that by reason of a person's opinions, beliefs and associations he may be determined of bad moral character and a person you cannot certify to the Supreme Court?

Mr. Whitmore: It is not your contention, is it, Mr. Konigsberg, that the only basis which the Committee may rely on in determining whether or not it can certify you under the provisions of 6064.1 is by asking you the questions and getting a yes or no answer. It is not your position that that is the extent of the right of this body in making its determination under 6064.1?

Mr. Konigsberg: In essence, that is it. My interpretation [fol. 204] of that code section is simply that it sets the limit as to whatever questions relating to opinion—because that is obviously a political issue—there may be asked by the Bar Examiners. It sets the limit as I interpret it. I may be wrong, as I think the Subcommittee is wrong; because of the history of this act as I have related it the Committee can only ask "Do you now personally advocate the overthrow of the government of the United States or of this State by force or violence or other unconstitutional means" and if I say "No", "Yes" or whatever it may be, that is

as far as you can go; that is without raising the question on this point (which I don't think is pertinent) as to whether that is even constitutional under the First Amendment.

Mr. Whitmore: You are saying that the Committee is precluded under Section 6064.1 from considering acts or omissions of yours in the past with respect to that problem?

Mr. Konigsberg: Yes, I think so. I am saying they can only ask do I advocate the overthrow by force or violence or other means.

Mr. Whitmore: You are contending that we are bound by your answer of yes or no which you give.

Mr. Konigsberg: You can decide for yourselves whether I am telling the truth. You can use any means of determining the truth. You don't have to accept any individual's [fol. 205] yes or no answer as the truth. I think that is understood.

Mr. Maxfield: Doesn't your answer right there defeat the only purpose if we can cross examine as to the truth or falseness of that statement? Why can't——

Mr. Konigsberg: I didn't say you could cross examine me as to the truthfulness. The question as I understand it was whether the Committee couldn't consider other things, records, past acts.

Mr. Whitmore: Acts or omissions.

Mr. Konigsberg: Anything in my record to evaluate whether I am telling the truth, certainly.

Mr. Maxfield: The general principles of cross examination testing the veracity of a statement, those you know under the rules of evidence are pretty broad. Do you deny us the right to ask these questions for that purpose?

Mr. Konigsberg: Again under the rules of evidence there might be many items of hearsay, fact or whatever it might be, which the court would like to know but the court prevents the prosecution or the other side from introducing because of a deep-seated public policy or other evidentiary rule or the First Amendment. The rule of search and seizure is something else of that nature. The information might be pertinent but the court says that the results of such act, as established over the years, may not be asked or introduced.

[fol. 206] It is my contention as I tried to make clear—(it might be unconstitutional, I am not questioning that now)

—it may only go as far as this law permits you to go. The history of that act shows that the Legislature tried to do other things but failed to because it failed of passage. And a person can be asked (such people as myself) "Do you?" than the Committee must determine and evaluate as to the truth by what is in the individual's record.

Mr. Maxfield: We are not entitled to an evaluation of that truth or in an effort to evaluate it to cross examine you with respect to present or past associations?

Mr. Konigsberg: That is right. That is my interpretation.

Mr. Arthur E. Freston: May I ask a question, Mr. Konigsberg? As I have listened at these various hearings and you have emphasized that we may not inquire into your beliefs, frankly, I am confused because when you were asked the question if you were a philosophical Communist as I recall it you had no hesitancy in categorically answering the question "no".

Mr. Konigsberg: That is right. I corrected that at the following hearing. I said I was under tension and didn't realize this was the same type of question. I shouldn't have answered the question Mr. Black asked. If I were asked again I would give the answer based on the First Amend-[fol. 207] ment. You appreciate very well that under these circumstances an individual doesn't think clearly and accurately. I gave the wrong answer to that question. Based on the position I have taken all the way through it was error for me to answer that question. I corrected it at the next hearing.

Mr. Freston: Now, I understand, if I am right, if I have understood you correctly, that you have stated a number of times here this afternoon that you have found no case in California which would go to support——

Mr. Konigsberg: In which I found, other than those in which some act of criminal nature or moral turpitude was the basis of the action of the State Bar Examiners or the court, there was refusal to admit, or disbarment or suspension. I found no such case.

Mr. Freston: Have you read the Federal case of Orloff 87 Law Edition related to the efforts of a doctor to obtain a commission in the United States Army? He had refused

to answer the question "Are you or have you ever been a member of the Communist party?"

Mr. Konigsberg: No, I didn't read that case, when I researched the cases I didn't come across it.

Mr. Fuller: Communism may not have been as important in those days as now. This case deals with this general question. You are invited to read it and if, after reading it you have anything you wish to do about changing your testimony we will give you an opportunity [fol. 208] to do so.

Mr. Freston: I am sure I understand you then. You were differentiating merely the field of your research when you were careful to phrase it that you found no case in California, you were restricting your answer to only the field of authorities you searched, namely, the State of California.

Mr. Konigsberg: Yes, California.

Mr. Fuller: Unless someone else has something——

Mr. O'Donnell: There was some suggestion that the Subcommittee was not fair at the previous hearings.

Mr. Mosk: May I interrupt immediately. There was no inference in any comments made by Mr. Konigsberg or myself. They were solely directed to the decision of the Subcommittee and our disagreement with the ultimate results. The Committee was absolutely fair and treated Mr. Konigsberg and myself with the utmost degree of fairness and impartiality. We have no complaints about the Subcommittee.

Mr. O'Donnell: You received copies of the transcript, one for the September 25th hearing, and another for December 9, 1953, and then a third one for January 27, 1954?

Mr. Konigsberg: We received copies.

Mr. Mosk: We received copies of all the transcripts and the fullest cooperation. We have no complaint whatever, only with the decision.

[fol. 209] Mr. O'Donnell: On the first hearing there were only two members of the Committee as it is now constituted.

Mr. Whitmore: Four were present, two participated.

Mr. O'Donnell: And as I understand it, you are willing to submit this application for admission on the basis of the transcripts in the three prior hearings and on the basis

of the present hearing to the Committee as it is now constituted?

Mr. Whitmore: Together with the Exhibits introduced today.

Mr. Mosk: Yes.

Mr. O'Donnell: I don't know if it is necessary for the record but perhaps we should identify with greater certainty the application form that Mr. Konigsberg referred to, his first application. He handed the application to me to look at and I intended to follow up by stating it was an application dated——

Mr. Fuller: We have the date in the record.

Mr. O'Donnell: —December 4, 1950 his application is dated and it was filed with the Committee on December 5, 1950.

Mr. Fuller: It is now marked Committee's Exhibit No. 4. This is the originating application for his law study.

[fol. 210] Mr. O'Donnell: Do you feel you have had a complete hearing? Is there anything more you would like to say?

Mr. Konigsberg: Yes, I think so.

Mr. Mosk: Yes, I think the Committee has been most fair, courteous and patient with the presentation. We hope, however, and submit that the decision of the Subcommittee should be reversed and Mr. Konigsberg should be certified for admission to the Bar.

Mr. O'Donnell: Do you wish to file any more authorities or any further Memorandum, Mr. Mosk? We have the one you submitted at the January 27th hearing.

Mr. Mosk: May I call the office on Monday and give an answer to that question? My present inclination is not, but I might like perhaps——

Mr. Fuller: You will be given all the time you need to file anything you want.

Mr. Mosk: My present inclination is that we have said everything we should have said.

Mr. O'Donnell: I think the Respondent and the Chairman at the same time should examine this Orloff case.

Mr. Fuller: And give your comments on that. (To Mr. Mosk)

Mr. Wright: I would be interested as I indicated to Mr.

Mosk at one of the earlier hearings. This is not the first time the Orloff case has been mentioned.

[fol. 211] Mr. Konigsberg: In this procedure it is.

Mr. Mosk: I think I recollect——

Mr. Wright: I may be in error.

Mr. Konigsberg: You may have been thinking about it and didn't mention it.

Mr. Mosk: I will be glad to comment on it and submit a Memorandum. I am familiar with it generally but I would want to re-read it before I comment on it.

Mr. Fuller: I think there is an article by Chaffee or something on this subject too, which you might look at.

Mr. Konigsberg: A recent article?

Mr. Fuller: It was put out here—I saw it somewhere—by Chaffee on this subject of lawyers. I can't identify it at the moment, but I have seen it.

Mr. Mosk: I will be glad to submit a further Memorandum, I think perhaps one day next week.

Mr. Fuller: We would like to have all the guidance you want to give us.

Mr. Mosk: Thank you very much.

Mr. Fuller: The matter will stand submitted subject to Mr. Mosk's right to send in anything he wants and if you have anything else you can send it in. The matter will be re-opened if necessary.

Mr. Mosk: I have a client who obviously speaks well for himself which is always a pleasure.

... Whereupon the witness was excused ...

[fols. 212-213] Reporter's Certificate to foregoing transcript omitted in printing.

[fol. 214] EXHIBIT "C" TO PETITION

The Committee of Bar Examiners
Of The State Bar of California

February 8, 1954

Registered Mail

To: Raphael Konigsberg
2446 Echo Park Avenue
Los Angeles 26, California

and

Edward Mosk, Esq., his Attorney
6305 Yucca Street, Room 254
Hollywood 28, California.

The Southern Subcommittee of the Committee of Bar Examiners has reviewed the record in the matter of your application for certification to the Supreme Court of this State for admission to practice law. As a general applicant you are required, among other things, to meet the requirements of Section 6060(c) of the Business and Professions Code and the Rules Regulating Admission to Practice law in California, before this Committee can take the affirmative step of certifying you to the Supreme Court as being possessed of good moral character.

You were orally examined on September 25 and December 9, 1953, and you and your counsel appeared before the Southern Subcommittee on January 27, 1954. Newspaper articles, letters, and other documentary evidence were introduced.

It is the opinion of the Southern Subcommittee that the record in this proceeding does not warrant that it certify to the Supreme Court that you are possessed of the good moral character required.

Your application is denied.

You are entitled, in accordance with Section 5 of the Rules Regulating Admission to Practice Law in California, copy of which is enclosed, to have your application reviewed and determined by the Committee, upon filing, within ten (10)

[fols. 215-216] days after notification of the Subcommittee's action, a written application therefor.

For the Committee of Bar Examiners:

/s/ Alma Stayton
Alma Stayton,
Assistant Secretary

Enclosure. See page 335 for "Answer of Respondents to Petition to Review, Under Rule 59 (b), Rules on Appeal, Denial of Application for Certification to the Supreme Court for Admission to Practice Law."

[fol. 217] IN THE SUPREME COURT OF THE SATE OF CALIFORNIA

IN BANK

KONIGSBERG

v.

STATE BAR OF CALIFORNIA

ORDER DENYING PETITION FOR WRIT OF REVIEW—
Filed April 20, 1955

Petition for writ of review denied.

Gibson, C. J., Carter, J. and Traynor, J. are of the opinion the writ should issue.

(File endorsement omitted.)

Gibson, Chief Justice.

[fol. 217a] Clerk's Certificate to foregoing transcript omitted in printing.

[fol. 217b] Supreme Court of the United States

Order Allowing Certiorari. Filed May 21, 1956

The petition herein for a writ of certiorari to the Supreme Court of the State of California is granted.

In addition to the merits, counsel are invited to consider,

in their briefs and upon oral argument, the following questions relating to the jurisdiction of this Court:

(1) Were petitioner's claims under the United States Constitution duly raised before the Supreme Court of California?

(2) Was the Supreme Court of California's denial of a petition for a writ of review merely a refusal by that court to exercise its discretionary jurisdiction or is it to be deemed a disposition, "in the nature of a review," Salot v. State Bar, 3 Cal. 2d 615, 617, and as such a final judgment within the meaning of 28 U.S.C. § 1257?

(3) Assuming the latter, was the determination of the Supreme Court of California based upon a rejection of claims arising under the Fourteenth Amendment of the Constitution of the United States, and more particularly, upon an evaluation of the constitutional significance of the evidence summarized under "1" on page 5 through the top of page 8 of the brief filed by the respondents on December 8, 1955 in opposition to the petition for the writ of certiorari herein?

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

May 21, 1956

Committee's Exhibit No. 1 consists of the following articles written by Raphael Konigsberg during 1950-1951 and published in the California Eagle.

[fol. 218] COMMITTEE'S EXHIBIT No. 1

AS FREE AS MONEY— November 30, 1950

One of the great writers of our time, Anatole France—in discussing the claim that equality of opportunity existed for all in French society—declared: "Yes, the rich and the poor have an equal privilege to sleep under the bridge."

The same verdict can be rendered on the claim to free elections in America today, and always. The rich and the poor have the privilege of putting forward their candidates and of campaigning for them, but—in practice the

money power of the nation has subverted the political freedom and the goals of democratic elections.

The corporations monopolize the elections, and legislatures, as effectively as they do the nation's economic life. There are free elections in our country to about the same degree that there is free enterprise. There can be no free competition where one side is so powerful that it can prevent the other side from competing.

The truth and wisdom of FDR's conclusion on the relation of monopoly to political power is borne out tragically by his country's fate since his death. Remember how he warned us that if we allow economic monopoly to become so powerful that it controls the nation's political life we will have fascism?

What we are discussing at this point is equality of opportunity in the operation of the election machinery—in the practical political job of selecting and electing candidates—and not the freedom of individuals to vote. In that sense, there are no free elections in the U.S.—since you simply can't conduct an effective campaign if you don't have large sums of money. The people and their representatives just don't have that kind of money.

But the unavailability of campaign funds for the people's representatives is only one part of the problem. The other is that by their control of the country's press, radio, lecture halls, et cetera, the money power (the nation's enemy) prevents the democratic forces from getting their message to the people.

The Golden Curtain

Talk about an Iron curtain! The Republican-Democratic control of the nation's gold is really an impenetrable curtain shutting off the vast majority of voters from knowledge of the facts of political and economic life in America.

The economic royalists not only have all the money they need for newspaper space and radio time—but they control these media—their owners are part and parcel of the money power—and refuse to sell space and time to the people's candidates when we are able to scrape a few dollars together.

This is what they call equality of opportunity in the land of free enterprise! Tie your opponent's arms—put

weights on his feet—blind him and you're sure to win. That's the corporations' idea of a fair fight. From their point of view, though, they're right—that's the only way they can win.

Only by keeping the people from having a fair chance to win can they retain power. If the people had a fair chance, if there really existed free elections, the anti-democratic gang would not control our economic or political life. And they know and fear it.

That is why even their practically complete control of the press and radio and their kept candidates doesn't give them sufficient security. They must also resort to poisoning the minds of the people, make them afraid to exercise a free vote, condition them to support their own enemy's candidates and programs.

That is the real reason for the disloyal oath hysteria, the red-baiting and witch-hunting. As Carey McWilliams so ably describes it in his latest book, "Witch Hunt," the rulers of America are trying "to create the dream of every politician and demagogue—a political audience made up entirely of those with conditioned reflexes."

In this respect, too, then, there are no free elections in our land. But this very desperation of the enemy, this compelling necessity to buy elections and men's minds, is glaring proof of his weakness, not of his power. He is afraid of an enlightened electorate. And well he might be. Such an electorate—which all the decent men and women in America are helping to create—will be his undoing and the nation's salvation.

[fol. 219] TIME FOR COURAGE – February 2, 195

Part III

In previous articles we have emphasized that opposition to tyranny has always been the greater loyalty in every nation—and that today this means that we who want to save American democracy, and improve it, must fight against the advances of fascism.

How then, are we to fight—we, the average citizens, the parents, workers, artists of America? What specifically can we do?

It is doubtful that anyone can furnish a complete and

detailed blueprint which will be the perfect guide for each responsible citizen. And the best that can be done in a discussion such as this is to offer some general suggestions—which each person can adapt to his own interests and capacities.

To begin with, there is much we can learn from our country's true history, and that of other countries—particularly the fact that in this nation, as elsewhere, it is the common people who have been the source of its power and riches. (This will be a source of pride and strength for us.) We should read such books as Shirley Graham's biography of Frederick Douglas, Howard Fast's historical novels, John Howard Lawson's "The Hidden Heritage."

We must also arm ourselves with the truth about the world's daily events. This will be found only in such publications as the California Eagle, Peoples' World, National Guardian, and the new Negro monthly, "Freedom." And in the radio programs of an Averill Berman.

Reading and study are very important, but we can't devote all our time to it. There's much urgent work to be done . . . the neverending tasks of making democracy work.

Work to Be Done

Whatever our personal inclinations and skills may be, long experience has proved that the most effective way for any citizen to discharge his duties is to do so in an organized manner, joining his strength and time to that of his neighbors. In this way we all obtain the greatest returns from our investment.

Today this means participating in the work of those organizations fighting for such democratic programs as FEPC and peace . . . organizations like the NAACP, the Independent Progressive Party, the Civil Rights Congress.

True, many of us are not organizationally-minded. In that case, we can make important contributions to the common struggle by such activities as:

Writing the President and our Congressmen every time an important issue develops—like the fight to free the Lt. Gilberts, the Hollywood Ten, or to pass FEPC, or abolish Jimcro, or bring our troops home from Korea—

Joining delegations to the city council to protest police

brutality, or fight for public housing, or to oppose universal military training—

Attending such meetings as those at which Charlotta Bass and Jackie Clack reported on the World Peace Congresses—from which we can get hope and courage—

Sending a spare quarter or dollar to such groups as the Civil Rights Congress which, in fighting for the lives of the Willie McGees and Martinsville Seven, is fighting for our lives.

Talking with our neighbors about the problems that disturb us—and urging them to demand rent control and reductions in the criminally high cost of living. Ask them, too, if they wouldn't rather form a peace committee now than mourn a slaughtered son?

Whatever form our contribution takes is a matter for each person and his conscience. There is, however, a basic philosophy, a foundation, on which we must all build our lives today:

1. Every American has a personal responsibility to assist in safeguarding American democracy, which means our liberties and lives. No one else will do it for us.

2. Every American who fails to do his part and thus allows fascism to win will be forever condemned, just as history condemns those Germans who (by not fighting back) allowed the Nazis to conquer, and bring tragedy to mankind.

3. No American can by his own efforts insure his security. No American can be secure unless all Americans are secure. Only by joining with our neighbors to secure peace and security for our nation can we expect to have any for ourselves and loved ones.

A program such as this promises the greatest reward of all—the assurance of a life well-lived.

[fol. 220] NOW WHO'S UNPATRIOTIC? - December 3, 19

A few days ago the U. S. Supreme Court announced a decision of the utmost importance to all Americans. The Court declared that it is unconstitutional to require any American to tell whether he is or has been a member of the Communist Party. Said Justice Black: ". . . the Constitution gives the witness the privilege of remaining silent. The

attempt by the court to compel (anyone) to testify runs counter to the Fifth Amendment . . ." No one can be forced to incriminate himself.

After all these dark and heart-breaking months of struggle against the undemocratic forces in our country, this decision is a ray of light and hope that perhaps some sanity is returning to our national councils. At last the people have gotten a break. . . .

For what the high Court is saying is that we who have been fighting our native fascists and quislings, the un-American committees and their hordes, have been right all along. And it is they who are wrong. We are the true patriots; they the subversive forces.

Justice demands that we recall again who are the fighters for freedom, and who its betrayers. On freedom's side are such good people as the Hollywood Ten, the Carl Marzanis, the members of the Progressive Party, the Joint Anti Fascist Refugee Committee, the Paul Robesons and the Howard Fasts.

On the other side are the giant corporations, the McArthurs, the Trumans, the Nixons, the American Legions, Chambers of Commerce, and practically all the press, radio and movies.

But it was always thus. The economic royalists and their kept agents undermine democracy; the people safeguard and advance it.

Slowly, very painfully, the truth catches up with the facts, and the public learns the truth. The progressive forces have said all along that the loyalty oaths and witch-hunts are un-American—and now the Supreme Court has had to say so. It remains to be seen whether those who control our government, who demand that everyone else obey the law, will now obey a law they won't like. . . .

WHAT ABOUT KOREA?

Since the progressive forces of the U.S. have been proved right in a matter of such profound importance to all Americans as our constitutional liberties, isn't it possible that we are just as right with respect to other vital issues—for example, that U. S. intervention in Korea is wrong, that our whole foreign policy is wrong?

Is it not significant that those who initiated the loyalty oaths, the assaults on our liberties, also directed the assault on the liberties of the people of Korea and Asia? Isn't it likely that they are just as wrong in the Korean gamble as the Supreme Court says they are in their witchhunting? Whose opinions shall we have more confidence in now?

How long before events will give the decisive answer? What price will the American people yet have to pay in shame and suffering before the Progressives' position regarding our foreign policy is proved correct? Perhaps not too long—for there is evidence of growing uneasiness throughout the land, even in the ranks of the mighty corporations.

Wall Street isn't happy at the way things are going in the Far East. Its "white supremacy soul" has been badly damaged by the resistance of the Korean and Chinese people. And maybe its adding machines are telling the financial dictators that their attempts to subjugate the Asian people are costing more than they can hope to get back in profits?

Satisfaction with the Supreme Court decision, however, must not blind us to the Supreme Courts' limitations in the present period. This is the same Court which refused to review the case of the Hollywood Ten. It's the same tribunal before which as this very moment a trial of ideas is being waged against certain American citizens, leaders of a political party.

We must reserve a full evaluation of the significance of the present decision until the Court acts in the latter case.

[fol. 221] NATIONAL CONTAINMENT - December 28, 1950

From the moment the White House-Wall Street Axis decreed that this nation's primary mission was to "contain world Communism" progressive forces have warned that the real objective was the destruction of American democracy. The announcement by the Axis that a state of national emergency exists is tragic confirmation of that warning.

For even a child can see that in clamping an emergency status on the country, it is the American people who are being contained, it is the promises of democracy that are being contained, not Communism. It is our living standards, our liberties, and lives, that are being further restricted.

The emergency proclamation provides the Axis with the pseudo-legal framework for riveting the police state shackles on us more firmly. It could be the next-to-the-last step before the fascists take over in all their evil power.

It is true that when the Republicans and Democrats revealed their program for the "containment of international Communism" they did have (and still do) as an important objective the domination of the economic and political resources of other nations. But in this they have been foredoomed to failure—by the achievements of the democratic peoples of China, Korea, Indo-China. East Europe.

The bipartisans did make limited (and temporary) gains in certain areas—but they were after much bigger game. Having failed in these global projects, they are compelled by the inner necessity of their depravity and their goal to turn on the people of their own country. That is the basic reason for the emergency.

Its proclamation at this time is evidence that the period of national containment has arrived—for it is the period of national desperation for the Axis. The enemies of American democracy are terror-stricken. They fear the wrath of a people betrayed. They are afraid that their treachery will be completely exposed and the people will demand an accounting.

And well might they be afraid—for from every cross-section of the people protests are arising. A West Virginia paper damns the continued invasion of Korea in an editorial entitled "This Is Murder." An Ohio manufacturer demands the impeachment of Truman. And a Herbert Hoover (for his own purposes) urges a stop to this program of disaster. While mothers everywhere are demanding the return of their sons from Korea.

Opiate for the People

Gen. Marshall asserts that the purpose of the national emergency is to give Americans a "psychological" shot-in-the-arm, to make them aware of their responsibilities. It would be far more correct to describe the purpose as being to inject a drug to deaden the awareness of what is

going on, to terrify the people into silence by threatening them with economic and political reprisals, and to blind them to the truth.

As regards the Negro people, it is doubtful that this national emergency will change their life radically. They have been living under emergency conditions for generations. Economically, socially, politically, their lives and security have been in a precarious state at all times. The blight of second-class citizenship, to which they have been and are subjected in this "bastion of Western civilization," is the status to which all other American citizens will be subjected—if they do not resist.

In a real sense one of the major reasons why all Americans who don't see eye to eye with the bipartisans are faced with second-class citizenship is because they permitted the exploiters of this great land to fasten it upon Negro-Americans. Had this been prevented, America would not now be in the condition it is; America would be a truly great nation in the forefront of the epochal struggle for peace and democracy—not in the leadership of the world's reactionary forces.

This is, indeed, a period of grave national emergency. No one in his right mind dare minimize the danger. But it is at the same time a period of unparalleled opportunity to put a stop to the betrayals by the rulers, to set America back on the path of brotherhood and peace.

This is the time to speak out and act! Write to the President. Write to your congressmen. Get all your friends to do so. Demand the reversal of the catastrophic domestic and foreign programs in which the bipartisans are engaged.

An ounce of courage now, while we can still speak out, can be decisive for our families, for our nation, for world peace!

[fol. 222] FREEDOM IN THE DAILY NEWS - January 4, 1951

So much has been said and proved in recent years about the dishonesty of newspapers in these United States that it is almost inconceivable any grammar school graduate believes the myths about "freedom of the press." Certainly the four FDR elections proved that little respect Americans have for their newspapers.

What should give us cause for concern, however, is the fact that few of us recognize clearly the active part the press plays in the whole machinery of repression and destruction of our civil liberties. The press is not an innocent, impartial bystander in the struggle between democracy and fascism.

It is a fighting and willing participant in the subversion of American democracy—which it pretends to safeguard. (Something like a cobra "safeguarding" a lamb.)

A lesson in how the press is used to destroy free government is provided by the experience of the French people. In World War II France fell in less than a month to Nazi hordes. We know now that one of the major reasons was the years of sabotage by the French press, whose publishers had sold out to the Nazis, and used the press to promote Nazi ideology and to disarm the French people intellectually (yes, and spiritually) for the battles ahead.

Similarly, the role of the press in our country is to prepare the public mind for a more-ready acceptance of police state measures. Or, more accurately, to condition the public mind so that the people will not protest and resist fascist advances. This the press does both by the sins of commission and omission.

By unending propaganda for reaction and by betraying its solemn duty to keep us informed and arm us with the truth, the press does its dirty work. By deliberately misinforming its readers and by deliberately failing to inform them about the things they should know to be the well-informed citizens without whom democracy anywhere cannot long survive.

A Case In Point

A current situation which illustrates the inter-relations of the various arms of reaction, and how the press eagerly perverts its mission, is the treatment by the Los Angeles press of the arrest and detention of four local residents for deportation—David Huyn, Miriam Stevenson, Harry Carlisle and Frank Carlson.

Here is a case where fascist legislation, the McCarran Act, is being used in an attempt to deport from the U. S. four good people who because of their services to their fellowmen would be a credit to any nation—while outright Nazis

are welcomed to the USA and Truman embraces bloody fascist Franco.

Now, to begin with, if the press were fulfilling its responsibility to its readers, and to its self-announced dedication to the preservation of democratic ideals, would it not have fought against the unconstitutional McCarran Bill? But the press fought for this anti-democratic bill. It lied and continues to lie about the law's provisions and objectives.

Secondly, assume for the sake of discussion that the press made an honest mistake about the McCarran Bill. Wouldn't you think that an honest press would keep the people informed about how it is being administered, and change its opinion when it found that the law was being used only (thus far) to hound progressives from the land, to intimidate all who protest at what is going on in the nation today? Have you heard of any Ku Kluxers or traitorous profiteers being hounded?

And when Americans want to buy space to tell their neighbors what is going on, to perform the duty the press is supposed to be doing, the newspapers refuse to sell the space —as happened a few days ago when the Los Angeles Daily News refused to accept an ad urging readers to write and ask the immigration authorities to release David Huyn, Miriam Stevenson, Harry Carlisle and Frank Carlson—good people who are being deprived of their freedom.

Thirdly, wouldn't it be reasonable to assume that even a negligent press, if only to keep up some pretense of its claims to fairplay and "freedom of the press," would open its columns to all Americans on an equal basis?

What a foolish question. Of course not. For a press (or radio and movie industries, or the school system, for that matter) that is so deeply committed to the anti-democratic conspiracy being engineered by the economic royalists to whom they have sold out (as did the French publishers) and of whom they are an integral part, will not and cannot be concerned any longer with the pretenses even to lip-service to the "ideal" they have discarded.

For they think "der tag" for which they have been preparing is about to dawn . . . and they shall reap their just reward.

[fol. 223] NAZIS TEACH AMERICAN GENERALS - January 11, 1951

Plans are afoot to foist universal military service on America's youth. Spokesmen for the corporations, the Administration, the militarists, have been harping on the theme that universal military service is essential to our security . . . and that all youth owe their country some time in the armed forces.

That is the pet theme, for instance, of Ike Eisenhower, who is going forth to lead Nazi soldiers, among others, in a new crusade for the "Free World." And Congressmen, secure in their age and well-paying jobs, very impatient for the sacrifice, are insisting that the induction age be lowered to 18 years.

These propagandists, however, have not told the American people that their plan for the regimentation of our youth is based on the ideas of General Heinz Guderian, Hitler's chief of staff, who did so much to bring death to so many of America's youth in the last war.

On February 10, 1950, the U.S. News & World Report stated that the plans for universal military service were based in part on the plans of Gen. Guderian—who boasted that his plans were the bible for American military officers. Groundwork for presentation of the Guderian plan to the public was laid with the appointment of Gen. George Marshall as Secretary of Defense.

We must differentiate first between universal military service and universal military training and selective service. They are not the same. Universal military service would conscript every American of 19 years (maybe 18 years) for at least 24 months, regardless of physical, mental, educational or marital status. Only the totally disabled or insane would be exempted. Higher education, in most cases, could not begin until after completion of the service. All youth would be subject to overseas service. (Shades of Korea!)

Not all physically qualified youth would be sent into the armed forces. Some of them would be trained in "civilian defense" jobs under army supervision, and would be subject for assignment for factory work, still under military supervision. This would create a "scab army" available for duty

at any plan. (What a threat this could be to organized labor!)

The years 18-21 are among the most impressionable of youth. Knowing what we do of the anti-democratic ideology of our militarists and their basic inhumanity (look at McArthur in Korea, and Gen. Clark calling for an "army of killers") we must realize that the effect of such military indoctrination of our youth will be a real threat to the very existence of democratic government in the USA. Remember what Hitler did with and to the German jugend.

Military Dictatorship

A fundamental concept of the Nazi Guderian plan, favored by our militarists, is to eliminate all layers of civilian authority between the President and the military. That this points to a clear and present danger of military control of the American government is evident from what the generals have been doing since the end of the last war. They have already infiltrated many levels of our government.

In May 1950, Drew Peason reported "on the eagerness of the military to encroach on the civilian branches of the government. A lot of things have been going on which the public doesn't know about, all pointing toward more and more military rule."

This is proved not only by such blatant interference even in the conduct of our foreign affairs (it's Mikado McArthur who's been dictating our policy in the East), and such criminal warmongering as that of the generals yelling for "preventative war," but also by such moves as making generals college presidents.

It is reported, further, that American generals are much taken with the notion of establishing an American General Staff, similar in structure to the hated German General Staff which brought so much tragedy to Germany and the world. This is something the American people dare never permit, at the risk of losing their liberties and all control of their government.

So, our militarists have come full circle! From fighting the Nazis in a war against fascism to aping Nazi methods in what must be a war against democracy and their own

people! Nazi generals teaching American generals how to "save democracy." There you have the fruit in all its evil of the Truman Doctrines, the Marshall Plans, and the "crusades to contain Communism."

[fol. 224] TIME FOR COURAGE - January 8, 1951

This is indeed a time to try the souls of men and women—and it is understandable that some of us are having a very difficult time deciding what our responsibilities are.

Faced with what they consider the evidence of the overwhelming strength of American fascism, some of our neighbors are saying: "What's the use? Reaction's in the saddle. What can you do but go along, try to ride it out?" Such a view indicates a serious misundertanding of the situation.

The misunderstanding, an over-estimation of the power of American fascism, is based on a false premise: that the rulers of this land are as strong as they appear to be on the surface. They are not.

Let us examine several of their operations and see for ourselves if they are as strong—and if their strength is as invincible—as their posturing and propaganda have painted them.

1) It is clear to every thinking person today that in resorting to war preparations and actual warfare, the administration and the corporations for whom it speaks are not acting to improve the welfare of the common people (thus insuring the nation's security), but are doing these things only to save and increase their own profits and power. Even Wall Street spokesmen admit repeatedly that our economy is very shaky and that war orders are essential to stave off a major depression.

When we relate the weakness of United States economy to the even more rotten economic structures of the other nations in the "Western world" we get a first-class picture of vast weakness, not strength. It is a truism that without real and broad economic strength you cannot have real—certainly not permanent—political power. Therefore, where America's rulers should be the strongest they are the weakest.

2) The efforts of Truman's administration since its incep-

tion to force thought control on Americans, to suppress all distant—plus the official terror directed against labor leaders, minority leaders, and other responsible citizens—certainly are no proof of its confident strength. Quite the contrary. A government which was in the right would be confident of and would be supported by the devotion of its citizens—and would not need to regiment their lives and thoughts. Thought control and official terror are proof positive of the administration's weakness. It fears the people.

3) Will anyone in his right mind assert today that American imperialism's aggression in the Far East, and elsewhere, proves its overwhelming strength? (Not even Taft and Hoover.) Can any government be considered strong, the bankruptcy of whose foreign policies has been so exposed as Truman's in Korea? Whose military forces and leadership has suffered such setbacks? Whose actions have lost it the support even of most of the anti-democratic "allies" it has over the globe? The questions answer themselves.

People Want Peace

Perhaps the most striking revelation of the weakness of the nation's rulers—of their unfitness for leadership and of their complete moral bankruptcy—is offered in the report they wrote for Truman on the state of the nation.

They know the American people want peace, that we don't want our sons slaughtered on foreign fields to insure greater profits for the Morgans and MacArthurs—and they offer us only the prospects of more slaughter in other foreign lands.

Truman and his associates know the people want peace, the chance to raise their families in security, to give them healthy minds and bodies, to build homes and schools and hospitals—and he says we must prepare for war.

According to the nation's quislings, the America of Jefferson and Lincoln, of Roosevelt and Robeson, is to find its "true destiny" in becoming a police and making war endlessly. Wasn't it Mussolini (remember him?) who said that war was the highest form of civilization? And wasn't it Hitler who proclaimed that his nation would find peace

through tanks and planes and bombs? How invincible did these two misleaders prove to be?

Those Americans among us who are confused and frightened must see that fascism can never mean everlasting power. By its very nature it is its own sure grave digger. It cannot last long. (This is not to say that it isn't dangerous and powerful while it lasts or that the price of defeating it will be cheap.)

We must understand that those of us who give up the fight for democracy too easily are helping the fascists, are casting our lot with the fascists—and will inevitably go down with them. While those Americans who hold out, who fight back, will inevitably win—and attain the real power in this nation.

(To Be Continued)

[fol. 225] TIME FOR COURAGE — January 25, 1951

Justice Brandeis, one of the greatest scholars and statesmen this country ever produced, once said: "The greatest menace to freedom is an inert people." This is not merely an opinion, but a historical fact . . . and points to part of the explanation for the mistake many people are making in over-estimating the strength of American reactionaries.

Because many Americans are themselves inert—indifferent to crises in national and international affairs or unable to determine how they can serve in such crises, because they are uninformed or unaware of their responsibilities as citizens—they tend to underestimate their own power and overestimate the strength of the opposition.

Once the majority of us wake up, cease being inert, and learn who the real enemy is (the giant corporations and their official flunkeys) and discover the enemy's real objectives (to make us all slaves serving the privileged few)—then we can get a true measure of our own power and how it can be applied in solving our own and our country's problems.

Then what seems to be the "overwhelming" power of the ruling class can be seen in its proper perspective, and much of their present activities will be revealed as evidence of weakness and not strength.

Much of this awakening occurs when we begin to under-

stand that by keeping quiet, by meekly conforming to the regimentation which the official terrorists are trying to impose on us, we cannot gain anything substantial for ourselves and families. By "going along" we are in effect sacrificing permanent security for a very temporary gain.

Individually we may win some temporary convenience or comfort, but not for long. Because true security for the individual can only come when all of us are secure. No one person himself in the world today can, by his own efforts guarantee his own security, let alone his family's. Thus, by helping to create a secure society for all Americans we will be doing the most and best to create it for ourselves and loved ones.

Time to Fight

Certainly this means paying a price, a great price in some cases. But will it mean any greater sacrifice than millions of freedom-loving people have had to pay in the past? Than the Negro people have had to pay for centuries? What makes other Americans *;thnik* they can "get it wholesale?"

Certainly times are tough. But are they any tougher than Americans faced at Valley Forge? Or during the Civil War? Any tougher than the Allies faced at the start of World War II? Are the odds any greater against us than the Chinese people faced against the combined danger of Chiang-Kai Shek and U.S. arms?

Let's get together then, and gain strength from each other, and added courage from an understanding of certain basic facts of life in 1951:

1. We who want peace and a democratic America are not alone. Hundreds of millions of people throughout the world are on our side. Look at the millions in the World Partisans for Peace, and the influence they have already had in staying the atom-itchy hands of our militarists.

2. We are all naturally concerned with the price we will have to pay for refusing to collaborate with American fascists, refusing to knuckle under and accept regimentation. It may mean loss of jobs, increased social prejudice, imprisonment and worse. But all these prices many are already paying—and all the rest of us will have to pay

anyway if we allow the fascists to take full power. And it will be for nothing but service to fascism.

Whereas, if we are willing to fight now (not wish later on that we had) it will be a real investment in freedom and security for our families and neighbors. And the sooner the more of us fight back, the less will be the price we will have to pay and fewer of us will have to pay it. Today, fighting back is the only way to save ourselves and our nation.

3. People are fighting back already, and protesting, all over America. They don't like what our government is doing at home or abroad, and they are saying so. It is easier to talk to people today. In markets, on streetcars, in private homes, everywhere, Americans are talking and thinking.

[fol. 226] And many must be learning what America's history so eloquently proves: that there are times when it is a greater loyalty to American ideals to refuse to conform to the dictates of evil men in power, *hat* it is a greater patriotism to oppose the anti-democratic conduct of governmental offic*a*ils.

We who fight for our rights and the rights of all people are the better Americans.

(To be continued)

[fol. 227] THE VATICAN'S POLITICAL POWER - *March 15*

President Truman found it necessary recently to deny reports that he plans to accredit an American ambassador to the Vatican. In view of Truman's record for honesty, we will not be surprised to learn shortly that such an ambassador has been sent from the USA to Rome.

Be that as it may, it is well to know something of the role of the Vatican in world politics—as illustrated, for example, by the part it played in World War II. For it is with the Vatican's role as a world political power that we will be (and have been) dealing. After the last war the Allies captured numerous documents which revealed the relations between the Pope and other political personages. An outstanding authority on the subject is Avro Manhattan's work THE VATICAN IN WORLD POLITICS—a book well worth reading and re-reading.

After a fully documented expose of the immense contributions made directly by the Vatican and the national hierarchies in Italy, Spain, Germany and elsewhere in helping Mussolini, Franco, Hitler and other powers—the author presents a detailed account of how the Vatican helped Hitler launch World War II and supported the Axis to the day of its downfall.

When Hitler was preparing to invade Poland he asked the Pope "first, not to condemn the invasion, and secondly, not to ask the Catholics in Poland to oppose it, but to rally them to a crusade against the Soviets." The Pope agreed. Not a word of condemnation did he offer when Poland was overrun in 1939. Contrast this with his "lofty moral" condemnation of the USSR when she fought Finland.

When Norway was invaded in 1940 the Pope was asked to condemn the invasion. Again he remained dumb . . . though only a few months before he widely publicized his "five peace propositions" in which he claimed concern for the "rights of small nations." When Belgium, France and Holland were conquered "the Vatican ordered the German hierarchy to say prayers of thanksgiving in all German Catholic Churches for the Fuehrer."

And the Pope opened secret-negotiations with Hitler for a new Concordat—an agreement with Hitler in which, in return for a privileged position for the Church in the New Germany and "wherever German armies conquered," the Hierarchy would "make itself indispensable to the nation for the victorious conclusion of the war." In January 1941 the German bishops in an official statement expressed the hope that they "shall be allotted a share in the internal reconstruction of the Greater Reich. . . ."

No Help to the Allies

As Nazi armies ravaged vast areas of the USSR, the Vatican advised the national hierarchies throughout the world, even in the Allied countries, "to support the military campaign against the Godless Russians. . . ."

But when the Soviet Union began to counterattack, the Vatican tried desperately to keep the USA and Great Britain from aiding our Ally and to "find a means of preventing Russia from advancing westwards."

Roosevelt advised the Pope that there was no hope of a negotiated peace with Hitler and urged that the Vatican should "come to some understanding" with the USSR. When the Vatican refused, FDR sent Msgr. Spellman to Rome—where the Pope informed him that he could not "accept the request of President Roosevelt to call on the Catholic world to fight Nazi Germany . . . because the Vatican is unable to identify itself with the war aims of any group of belligerents."

However, as the evil Nazi power reached its final days the Vatican called urgently for a "peace without revenge" and "began once more to warn the victorious nations . . . that the Allies had to be generous to Germany and . . . that they had to take measures to prevent the spreading of Communism. . . ."

When the Allies entered Germany, the German cardinals and bishops began to "thunder against wicked Nazism"—but one of their leaders, Archbishop Groeber, published a pastoral letter confessing ". . . in the eyes of God at least we (the hierarchy) bear quite a bit of responsibility." Amen.

[fol. 228] ECONOMIC NOTES - March 22, 1951

Several weeks ago we considered the fact that practically all newspapers, radio programs, et cetera, are so dishonest that the person who wants to be truthfully informed about world affairs must get his information elsewhere than in the metropolitan press, the radio, the publicized books.

In our last three columns we have discussed the material to be found in three examples of reliable sources of information: Harry Haywood's book NEGRO LIBERATION, the monthly publication LATIN AMERICAN FACTS, and Avro Manhattan's THE VATICAN IN WORLD POLITICS.

In today's article (the last of the series) we present excerpts from the monthly research bulletin ECONOMIC NOTES—which has for many years been the outstanding source of reliable information on our nation's economy. It is publications of this type which we need to arm us with the facts essential to understand what is going on.

As you and I and our neighbors watch our shrinking

weekly income buy less and less of food and clothing for our families, it is well to know that the Journal of Commerce is able to assure its wealthy readers that "The general wage-price freeze proved a good deal less of a threat to corporate profits than many had feared." While Dun's Review assures the same privileged few that 1951 will "be an exceptionally good year for business. Despite tax increases should remain very high."

That these financial counsellors know what they are talking about is proved by Truman's own Council of Economic Advisors who have reported that "the net profits of $22,400,000,000 last year were more than double the profits of the wartime year 1944 . . ." Never before even in a full-scale war have corporate profits been so high.

Moody's Stock Survey expects that profits before taxes could well be even higher (in 1951) than the fantastic record of 1950. But the Wall Street Journal warns that "A peace scare might knock a lot of profit out. . . ."

High Prices

With the cost of living at the highest point in history, the director of the phoney program of the Office of Price Stabilization admitted that prices will continue to rise, perhaps another 5% to 7% by midsummer—after which he hopes some stability will be achieved. As the conservative N. Y. Herald Tribune comments: "A price stabilizer who is . . . willing to accept a 5%-6% rise is a stabilizer who is likely to prove powerless to prevent a 10%-12% rise. . . ."

Effective enforcement of even the weak price stabilization program will be virtually impossible—considering that there are only 500 employees on the staff compared to 65,000 during World War II. And what makes it worse is that the Department of Justice rather than the price agency has the job of enforcing the new law. As one former OPA official reports "The Justice Dep't . . . is subject to political pressure."

Prices are continuously climbing upwards. The U. S. Bureau of Labor Statistics' consumer price index was 81% higher in December 1950 than in August 1939. It was 4.8% higher than in June 1950—when the Korean intervention

was launched. The Bureau says that the cost of food alone is 8% higher than in June 1950. The food dollar was worth only 47.7c in November 1950.

Meanwhile unemployment is still serious in certain industrial areas. The same federal Bureau (whose figures always understate the truth) reports 2½ million jobless in January 1951. The United Electrical Workers Union, whose figures are more reliable, puts the unemployed figure at 3½ million.

But, the use of child labor is increasing. In April 1950 there were 663,000 boys and girls only 14 and 15 years old at work,—more than twice the number reported working ten years before. Some 3 million boys and girls at work at some time during 1949.

That then is the state of our economy: the poor getting poorer, the rich getting richer!

[fol. 229] THE CESSPOOL - March 29, 1951

The moral fiber of our time; well, and tragically, illustrated by the contrast between the furor created over the bribery of several basketball players in Eastern colleges . . . and the profound silence on the part of the leaders of our society in the face of the grave violations of our moral codes and the treasonous betrayals of our political codes by the very leaders of our land.

What is particularly revolting about the sanctimonious outcries aroused by the bribery of athletes is that those who claim to be so outraged are the very ones who have taught these young men that "that's the way to get ahead." For it's "dog eat dog" and "I'll get mine first; to hell with the other guy." Education by example has always been more effective than education by preaching.

Why should these athletes have felt that they were doing anything wrong when every day, all around them, their elders steal, and betray and lie,—and gain riches, honor and power thereby?

Consider the Kefauver Committee's investigations of the unholy marriage between the rulers of our political world and the criminal world. A William O'Dwyer, mayor of a great city, accepts "gifts" from a Frank Costello—and

instead of being driven from the company of decent men is rewarded by being made ambassador to Mexico by the president of the United States.

While this same president assures the nation that all his aides are honorable men . . . as the investigation of the RFC proves that many of them are crooks. Congressmen like Andrew May and Parnell Thomas are jailed for stealing from the government—but that doesn't keep our leaders from permitting a Thomas to set himself as arbiter of what is good Americanism, and what is culture.

But then, educators charged with the solemn obligation of moulding the mind and character of American youth eagerly accept regimentation of the curriculum—in exchange for military funds; and rationalize it all in the name of "patriotism." Professors, who should be inspiring our youth with a militant determination to fight for democratic principles, gladly embrace the yoke of "loyalty oaths"—to save their jobs and comforts, temporarily.

Traitor! Traitor!

Betrayal is in the air. Judges, with impunity, violate our constitutional rights—and editors honor them for it. Stool pigeons are the new national heroes, and hypocrisy has been raised to the level of national policy.

The president violates his oath of office by dragging us into war—and the nation's spiritual leaders applaud. But when the federal government betrays its trust in failing to defend Negro citizens from the Southern lynchers, the same leaders are dumb as the dead.

The famed American standard of living is deliberately lowered, the cost of living highest in history—but the captains of industry demand that workers be paid still less and taxed still more, while their profits are the highest in history . . . fed as they are on war orders. And the stock market shudders whenever the chances for peace brighten.

Millions of human beings gave their lives in the last war to defeat the anti-democratic forces of the earth. The people earned, and that great victory promised, peace and security and more democracy. But the leaders offer only more war, more fascism, less security, less democracy. Was there ever a betrayal as awful as this?

But silent, silent as the graves into which they would lead this great nation, are the civic, industrial and moral leaders of America—who, naturally enough, righteously condemn basketball players for following their elders example and accepting bribes.

They are men without principles, without morals, without hope—these leaders of our land. It is the students in our colleges, the youth of America, who have far higher principles than their elders—and therein lies the hope of our nation.

[fol. 230] THE CHOICE BEFORE US – April 19, 1951

While on duty with the Seventh U. S. Army in Germany in 1945, I made the acquaintance of a remarkable man, Edward Kupfer. He had been a prisoner in the Dachau concentration camp and had been freed by our troops.

Edward Kupfer was remarkable in that he had succeeded in achieving an amazing self-imposed mission—that of writing a history of Dachau under the very eyes of the Nazis who guarded him. Everyone can tell you that this was an impossible task. Yet Kupfer did it. The U. S. Army Intelligence verified that he did it. (How it was done is another story . . .)

The fact of Kupfer's achievement was relayed to the Seventh Army Headquarters in Heidelberg. As orientation officer for that army, responsible for supervising the political education program for our troops, I decided to see Kupfer—believing that he could teach me much which would be valuable in that program.

A man who had survived the hell of fascism and returned to the world of the living could teach us lessons (I believed) which would be helpful should we Americans be faced with problems in defending democracy similar to those the German anti-fascists faced during Hitler's rise to power.

From other survivors of Hitlerism I had learned that one of the major factors which contributed to the Nazis' success was the failure of the German anti-fascist forces to achieve unity in the struggle against them. Had these forces united, the Nazis would not have conquered—despite the immense help they received from th- financiers and politicians in other lands, including the U.S.A.

In discussion with Kupfer, I concentrated on another

phase of the problem which interested me deeply. Having observed that there were all types of human beings among those rescued by the Allies from the concentration camps, I asked Kupfer:

"What was it that determined who had the best chance of surviving after being thrown into the camps?"

"Why, those who knew why they were there!"

Choose Your Side

"What I mean is this," added Kupfer, "the men and women in pre-Hitler Germany who were active in fighting the Nazis, whether through trade union work, or a political movement, or in a progressive writers' club, as I was—they had the best chance of surviving.

"They knew that the fascists cannot tolerate dissent or opposition. They knew that the fascists knew that if the people were allowed to think and speak and act freely, the people themselves would not allow fascism to win. So the fascists, the traitors to their country, had to silence the active fighters for civil liberties, the fighters for decent living standards. The fighters knew, therefore why they were thrown into the concentration camps.

"Having landed in the camps because of their belief in democracy, they had faith left to live by. They had faith that the democratic forces of the world would inevitably triumph and save them. This faith kept them alive.

"But those who did not do their share in the fight to stop the Nazis from conquering Germany, those who compromised with the Nazis and sold out to them—when the Nazis double-crossed them (as fascists always do) and threw them into the concentration camps, they had nothing left to live for, and so they died."

As I expressed my gratitude to him, Kupfer concluded:

"So you see, if you want to take a message back to your countrymen—as you say—tell them they must fight while they still have the chance to fight, and especially while they have the chance to choose the side on which they fight.

"For fight they must and will. No one can be neutral in such a war. The fascists will force you into fighting for them, into becoming one of them, or they will kill you. They have no use for neutrals.

"So, since fight you must, and perhaps die, far better that you give your energies and your life, if need be, for democracy than for fascism. It's the only chance to save yourself anyway. Far better to fight while you can, than wish later on—in the concentration camp—that you had. For that's the sort of self-accusation, mental torture, that will kill you.

"You see now how right we were, we who refused to compromise with the fascists, when we said that the forces of world democracy must inevitably triumph."

[fol. 231] MEXICAN-AMERICAN RELATIONS - April 12, 1951

One of the local metropolitan dailies recently held a contest for the best short essay on "Why Continued Good Relations Between the U.S.A. and Mexico Are Essential to the Success of the United Nations."

Since this is a matter that must be of vital concern to us all, I herewith submit an essay on the subject—one that can be guaranteed not to win any such contest these days:

The position of world power which history has thrust upon our nation, and which our government has assumed, demands that we set an example, in the family of nations, of the highest and best in international relations. If the U.S.A. cannot develop such relations with Mexico, our next-door neighbor, other nations will seriously question our capacity for friendship with them, and our effectiveness in the United Nations will be further compromised.

The state of our affairs with Mexico is a test of our claims to a belief in, and the practice of, democracy. Especially is this true of our declarations about the equality of all men. For the people of Mexico do not have white skins—and neither do most of the world's people. This majority of humanity will judge us (as they have in the past) by the way we treat their colored brothers, and ours, in Mexico.

The foreign policy of the United States is based on the assertion that our government is motivated solely by the desire to assist other nations in achieving the democratic way of life we say we prize. The nature of our relations with Mexico—particularly the way in which the masses of her people benefit from those relations—will help determine

how receptive the United Nations will be to our ideas and our program.

Our success with Mexico would strengthen our relations with all the other Central and South American countries, nations so important to our welfare and the welfare of the world. It would enhance the position of Mexico. A strong and democratic Mexico is essential to the western hemisphere and to the United Nations.

The best of relations between the U.S.A. and Mexico would improve the economic conditions of both countries, and would enable both peoples to feel greater security. Further, in view of our past relations with Mexico, the building of mutually beneficial relations with her would prove that a great nation like ours does learn from past mistakes. This would be invaluable to us and to the United Nations because many nations are seriously disturbed not only by our past errors—as in South America—but our current ones in China, Korea, and elsewhere.

Of unmost importance is the certainty that greater friendship and better relations between Mexico and the U.S.A. would aid materially in democratizing the internal conditions in both countries. A government which is not a good friend to its own people cannot be a good neighbor to others.

Specifically, improved relations between the U.S.A. and Mexico would profoundly influence the treatment accorded the millions of our citizens of Mexican descent. This in turn would very favorably affect our treatment of our Negro citizens and other minorities.

A United States and a Mexico whose own life and institutions are more democratic are assuredly essential to the succes- of the United Nations.

[fol. 232] ELECTION REFLECTIONS - November 23, 19

One of the most powerful men in America today is Senator Robert A. Taft. He is, in every sense, representative of our country's ruling class—particularly of its intellectual dishonesty.

Of the millions of words spoken about the results of the November 7 elections, he made what may yet go down in history as the most absurd and inaccurate observation. Said

R.A.T., the election results are a rejection of "Truman's program for imposing a socialistic planned economy on the American people." It calls to mind Hitler's big lie that his fascism was a program of "national socialism."

Certainly the election was a rejection of Truman's program—his program for war and American fascism, which Taft and his collaborators are helping Truman and his cronies fasten on America. Our country's great tragedy is that most citizens could express their rejection only by voting for Republicans.

There are three major reasons for this: 1) The Progressive Party does not exist in every state and where it does it has not the means to run candidates in all offices; 2) The national hysteria and terror over Communism, manufactured by the Taft-Truman axis to divide and deceive the American people, has scared many people and they are afraid to vote Progressive; 3) Vast numbers of Americans, politically uninformed through deliberate manipulation of our schools and informational media, still think there's a difference between the Republicans and Democrats.

It is not a contradiction to state that the two old machines are the same and that the large vote for the Republicans was a rejection of the Democrats.

The defeat of such leading spokesmen for the Truman Administration as Senators Lucas, Tydings and Myers, and would-be senator Helen G. Douglas, was not a personal defeat, but clearly a repudiation of the Democratic program they espoused. Especially is this true of Douglas—for whom the Democratic Party turned out every big gun from Truman down in the effort to elect her. There could not have been a more decisive repudiation of what the Democratic Party stands for.

No Mandate for Republicanism

If the Republicans believe that the election results are a mandate for them to continue their unreasoning opposition to every measure that will serve the people, they are wilfully blind, and certainly will not win the presidency in 1952. If my friends will forgive me, I will offer the Republicans a program guaranteed to sweep the country for them in 1952.

All they need to do is pledge to: 1) Stop the treasonous waste of American resources in the futile efforts to suppress free people everywhere—and use them instead to build homes and security in America. 2) Take our troops out of Korea, the Philippines, and elsewhere—and use them to safeguard civil liberties in the 48 United States. 3) Smash the corporations' stranglehold on America's economic and political life. 4) Restore freedom of speech and thought to Americans. 5) Join the Soviet Union in rebuilding a democratic United Nations and world peace. These five points represent the real mandate of the people.

The clearest evidence of the meaning of the November 7 elections is given in the great vote in California for the Independent Progressive party. In 1948 some 190,000 votes were cast for Henry Wallace. In 1950, after two years of official terrorism, almost twice that number, 340,000 voters, voted for IPP candidates in California! When this is related to the over 600,000 votes cast for Bernadette Doyle in the primary election for superintendent of education, the real temper and aspirations of the people are evidenced.

Especially revealing is the vote for a Negro leader in the 14th C.D.—particularly in the 62nd Assembly district, where over 8,000 Negroes broke away from their betrayers in the two old parties and voted for Charlotta A. Bass, the Progressive candidate. (In this connection certain individuals like Gus Hawkins, Vince Townsend, et al, have much to answer for to the Negro people.)

The California vote proves that more and more people are becoming aware of the futility of depending on the two very old parties, and are learning that only the Progressive Party's program for peace, security, abundance and brotherhood will meet their needs and save our land.

It may truly be said that if there were not a Progressive Party in existence today, we could have to create one. For today only the Progressive Party, of the three, is an American party. It is the Republican and Democratic parties whose program is un-American.

[fol. 233] Some Notes On

WESTERN CIVILIZATION- June 16, 1950

Whenever the Pontius Pilates on the Potomac manuever to heat up the cold war, which would annihilate most of their fellow-Americans, they wring their greased palms and intone that their only motive is the preservation of Western civilization. Whenever they make a move which thwarts the hopes of humanity, they piously raise their eyes to the stock ticker and assert that their sole purpose is the holy one of spreading the blessings of that civilization.

It is not unreasonable, therefore, for us to examine the nature of this commodity they wish to export, and which they claim as a Western monopoly, and see what it has to offer the oppressed of the earth in the year 1950.

Not until eighty-five years after the Civil War did the U. S. Supreme Court decide that Negroes must be served on railway dining cars and given opportunities for higher education "just the same as whites" (in a land where such opportunities are reserved, for the most part, for the well-to-do.)

While in a renazified Germany a Hitlerite film director is freed of anti-semitic charges on the plea that anti-semitism couldn't be a crime since it was no different from the treatment of Negroes in the United States.

And the International Olympic Committee bars the new State of Israel from participation in the 1952 Olympics but accepts a W. Germany group of Nazis who declare that "The true sporting spirit and the mentality of the German people found its highest expression in Hitler . . . and war is the most beautiful of all sports."

A reference, perhaps, to Washington's coming to the rescue of the French killers of the Viet-Namese patriots by agreeing to finance that "dirty war," just as we're still financing the ogre Chiang's murder of innocent Chinese.

While the "big three" approve a new German army and Germany's manufacture of explosives—as the Jewish communities there are forced to form defense organizations again, only five short years after V-E Day.

The Jews need protection in Chicago too, and in Peekskill, where they and their Negro neighbors are assaulted—for which the Deweys and Achesons blame the communists, in

accordance no doubt with Truman's pledge that the world will be told the truth about American life.

Which is the explanation we may soon be given for the death from starvation of American children in the midst of abundance in the San Joaquin Valley and the legal lynching of the 6 Trenton Negroes, the Rosa Ingrams and hundreds of other Americans.

Over ten million of us are unemployed, more than half of all Americans can't afford even a minimum standard of living, we need many more schools and hospitals—but the Tafts and Trumans say that more important than these is the smashing of our labor unions and the "economic reconstruction" of Europe, meaning giving guns to the fascists of Europe for crushing the rising discontent in that land.

So, the bi-partisans offer to meet the needs of our youth with peacetime conscription, police brutality, regimentation of their teachers, and the militarization of our society.

And if our parents protest that this is not the American way of life, not what we were promised for the victory over fascist arms, the Western civilizers deprive us of employment, deport us, deny us impartial juries, imprison us, jail the lawyers who defend us, and set neighbor to spy on neighbor.

Upholders of religion, the pope threatens Italian citizens with excommunication if they vote their conscience—as the devout Truman tells them how to vote, and orders the H-bomb, to bring hell to all the faithful.

All this, says the president, brings us "nearer to peace"—and so he refuses to admit peace delegates to our country, and welcomes the dregs of the earth who live only for a third world war.

Exposing their moral, spiritual and intellectual bankruptcy, the bipartisan beasts, diseased with colossal conceit and contempt for the people, demonstrate they are trying to make civilization over in their own image—a devil's amalgam of hypocrasy and brutality, idolization of property, want and agony, betrayal and filth, lies and death.

[fol. 234] Upon which a noted scholar recently commented: ". . . the people cannot live on lies, and the ruling class is incapable of meeting the needs of life. Its problems are insoluble and therefore its defeat is certain."

FREE LAWSON, TRUMBO, DENNIS,
FAST—OR THIS YEAR OF FREEDOM
MAY BE YOUR LAST!

Write the President . . .

[fol. 235] ROBESON VS. FLAGS-AD – April 27 1950

Paul Robeson is not acceptable to the management of the Philharmonic Auditorium—and the engineers of the cold war—but Kirsten Flagstad is. The man who represents the bravest and best in American democracy is hated by those who proclaim themselves the embodiment of Americanism, and shower their applause on the woman who collaborated with European fascists. Is it to be concluded therefore that their concept of Americanism and the ideology of fascism are similar?

Last week the management of the Philharmonic refused to rent their auditorium for a concert by Robeson, one of the great singers of all time. Have you heard any outraged protests by those who consider themselves the leaders of our community? Why are the voices of our civil and religious leaders still at such brazen denials of our traditional rights and privileges? With the honorable exception of Charlotta Bass, Carey McWilliams, Reuben Borough, Paul Major and Thomas Mann, why don't they protest, as decent Americans have done for generations?

And therein is evidence of one of the major purposes of the cold war, of the onslaught of loyalty oaths and witch hunts and war scares—to divide and intimidate and silence the people, especially those who could and should give leadership in so critical a time. For this is primarily a cold war against the American people, not the Soviet Union.

A Kirsten Flagstad, friend of fascists, is persona grata with the misleaders of our country—and a Paul Robeson, friend of democracy, they fear insanely. This is logical—for those who are rebuilding a Nazi Germany where only five years after the war's end the Jewish people are again forced to form self-defense organizations! This is very logical—for those who contemptuously destroy legal guarantees to persecute the Hollywood Ten, the leaders of the Communist Party, the incorruptible Bridges, exemplars of

the people's determination to safeguard America. This is certainly logical—for those who uphold a Parnell Thomas and a Jack Tenney and a Mundt-Ferguson as "100% Americans," and offer shelter to every European and Asiatic traitor who flees the wrath of his own people.

What a desecration this is of the deaths thousands of Americans in the war against fascism! What a betrayal this is of the sacrifices of millions of Americans on the home front and in the lands and armies of our allies! Followed to its logical conclusion this insanity will soon label as "un-American" every American who contributed to the defeat of the German and Japanese fascists. I predict that those who are guilty of this sell-out of our great victory will be damned by history as the most obscene and treasonous traitors of all time.

Called to account they will be, as they must. Called to account they will be by the never-ending struggles of the courageous democrats in our land—by the people who after 300 years of oppression not only still fight back but produce a Robeson and a DuBois, by the people who can produce a Wallace and a Marcantonio, by the people in the progressive ranks today.

We are the guarantee that American democracy will survive and flourish—not the bi-partisans who doublecross the people, not the university regents who fear democracy and the people's knowledge, not the elite who fawn on a Flagstad and are revolted by a Robeson.

It is we are who are the inheritors of the ideals of Jefferson and Lincoln—we who fight against Mundt-Nixon and for FEPC, we who defend the right of everyone to speak and teach, including the Communists, we who fight restrictive covenants and police brutality, we who fight for full employment and for world peace.

We are the true Americans, who think and act like Robeson. They have lost faith in America, who prefer the fascists. We belong here—and America belongs to us!

PAUL ROBESON WILL APPEAR IN CONCERT
FRIDAY, MAY 12, 8 P. M.

ELKS HALL, 4016 S. CENTRAL AVE.

[fol. 236] We Are the Experts · September 28, 1950

Too many of our fellow-citizens have the fixed idea that they don't know enough to have an opinion on various domestic or foreign issues. Too frequently the response to a request for support in election or petition campaigns is "Aw, what do I know about such things? I leave that to the experts. They know best."

For the moment we'll give the obvious retort: "Who are the experts anyway? Does getting rich or elected to office make them geniuses? Look at what a flop that 'great engineer' Hoover was. When you look at the mess they've gotten our country in—you'll call them everything but experts."

What we must understand is that this notion of "not knowing enough to have an opinion" is exactly the idea those who control our country want us to have—and spend millions every week to indoctrinate us with it. They want the average citizen to feel ill-prepared to deal with the key economic or political or social problems which affect our lives—so that he will not ask too many questions and leave things to the "experts" who will then run the country's affairs to suit themselves.

It's true, of course, that many of us were not able to afford all the education we desire. And more of us benefitted little from the deliberately distorted facts and manufactured prejudices which pass for "education" in our schools. And all of us are affected by the propaganda with which the newspapers, magazines, radio and movies hit us in a never-ending deluge of what they call "public information."

All these factors are the 3-pronged weapon of those in power to keep us from being properly informed. And by trying to convince us that we're inadequate to understand and deal with the basic problems which affect us and our country they are trying to make us lose faith in ourselves.

Our counter-attack, therefore, must have the primary

objective of regaining that faith in ourselves, this faith in our ability to control the economic and other factors which influence our lives, this faith in our fight to the better world we can create.

A good way to start is by looking at the record of what we have done and what we've proved ourselves capable of doing—the record of our performance in events that really count, in, for example, the most important test Americans have faced since the Civil War: Democracy's fight against fascism in World War II.

Ask any G.I.—ask your son, your husband, ask yourself. Who won America's part in that war? The professional militarists or our citizen army? The answer: We, the citizen army! The military experts and the regular army hacks would have lost for America if not for us. The citizen army won on the battlefield—and the citizen army won on the homefront.

You who served at home, speak up! Was it the corporation executives who won the homefront battle, or was it the millions of patriotic workers in the factories and fields and offices? Contrast the big corporations' treasonous refusal to produce for the war until they'd been guaranteed enormous profits with our workers' high productivity and their contributions to management through the labor-management committees.

And equally important. The history of every nation in World War II—we dare not tire of repeating—shows that the traitors in every land were from the 'upper' class: the corporations executives, the generals and politicians, the 'experts.' While the saviors of every land were the working people like you and your family, the common people—who proved again they are the better people.

So, let us not be in awe of the hi-politicos and professors and executives—who speak for the monopolies which by their very nature cannot serve the people. Those persons aren't born with a monopoly of wisdom nor any genius for solving all America's key economic, political and social problems. Neither are they born with, nor do they ever learn, a compulsion to serve the best interests of the people and the nation.

We must understand that in tackling any basic problems,

at least as important as—and usually more important than—specific information and technical know-how is a desire, a compulsion, to do that which helps the people most: a personal identification with the welfare of all the people, a love of democracy.

Our guiding principle must be: THAT WHICH SERVES THE PEOPLE BEST IS RIGHT. If it's a domestic problem—for example: How shall the nation's tax funds be spent?—all we need to know (as we do know) is that it will help us and America more if a much larger share than at present is spent for creating jobs by building homes and schools, for health care and for more education, for encouraging our writers, artists and musicians.

[fol. 237] If it's a problem in foreign affairs: all we need to know is that our government should take that action which will help the people of other nations to liberate themselves and build democracy, such actions as will help prevent the anti-democratic gangs everywhere from existing, and will build peace.

When a specific issue arises about which we do not have the time to become informed, then we can turn to trusted leaders whose advice we can use as guides—people like the great scholar Dr. W. E. B. DuBois and the true representative Vito Marcantonio. With their help and our own decent instincts we will be equipped to form an intelligent opinion.

The people do know what makes up the good life. They know what democracy, decency, honesty, justice and brotherhood are. And with renewed faith in our powers and the unity of us all—we will be the masters of our destiny.

[fol. 238] STRENGTH UNTO STRENGTH - May 18, 1950

For many years I have regretted profoundly that I had not personally known Tom Jefferson, Abe Lincoln and Gene Debs. These three above all others in American history I have wanted to know intimately, certain that from such contact I would have drawn priceless understanding and strength for the building of a useful life.

No longer do I feel this loss so keenly—for I am living in the age of Paul Robeson, and I have met him. I think I understand what it must have been like knowing Jefferson, Lincoln and Debs.

The people of Los Angeles who met Paul Robeson this past week have been enriched. They have been cleansed of their fears. They have gained knowledge of their own strength and significance. They have had a vision of the future. This was a visible process—you could see the people glow and bow in his magnificent presence.

After years of subjection to the dehumanizing influences of America's current infamies—here came a man, a clean and honest man, sure of his strength and purpose, from whose person shone the wonder of the dignity of man. A man who carried the hopes of the world's decent people and renewed their faith in themselves—who unfurled again the tattered banner of the American dream and reclaimed for us our right to this great land and its democratic institutions.

Paul Robeson helps to make us better women and men—for he is proof of the supremacy and nobility of a life dedicated to the highest purpose of living: helping to make life better for your fellowmen. He is evidence of the kind of MAN we can be, of the goal of mankind.

Of the kind of people we really are, or would be if society gave us the chance . . . for while we drew strength from him, he drew strength and courage from us. Not only did he declare that this was so, but this is how it is and always must be. For only when one is rooted deeply in the people—like a giant oak pressed to mother earth—can he derive the nourishment which makes him a great leader. Only a great people could produce Robeson.

He is the honor and glory of America. It is he, and such as he, who by his world-wide deeds keeps the name "American" from being completely stripped of the hope it has symbolized for the oppressed of the globe. It is he, and such as he, who will keep it from becoming the stench in the nostrils of history that is forever the Nazis. (To think that only five short years after our victory over fascist arms we should have to say such things . . .).

And it is Robeson's loyalty to America that is questioned! By those who every day in a thousand ways in their gilded graves in banks and factories betray our country for less than the thirty pieces—who destroy another constitutional right every time they breathe! They dare impugn this

man's loyalties. Dying woodpeckers nib-ling at the mighty redwood.

Paul Robeson grows in strength and we with him—and their fears increase. They are afraid of him and of the 15 million other black Americans he is helping to liberate. They reveal their fear in many ways, most glaringly in trying to conceal it. They think to ignore and hide Robeson with their slimy newsprint curtains; not one "big" paper even reported his week-long visit among us—though they found the space to hail German actresses and Japanese businessmen.

One Negro weekly, it must be reported, refused even to accept a paid advertisement for his concert. Certain infamous leaders of the Jewish community, it must be reported, tried to have the concert cancelled. And oh how long and shameful is the list of the "community leaders" of all colors who declined invitations to meet with him.

They were afraid to be seen in the company of this great man who is forever enshrined in the hearts of men and women of goodwill the world over—who is doing so much to safeguard the lives of those same timid creatures. Their cowardly souls have shrunk—as the heads of victims of some savage tribes are shrunk, and they are just as dead. History and America do not need them.

We are the living, and the future is ours. If we stand together, black and white—as Paul Robeson urges—and say "We want to live in dignity!" we will live in dignity. (Look at what the 'weaker' Chinese people did). If we stand together, the millions of us, and say: We want peace, there will be peace!

We have the strength and the right and Paul Robeson on our side. What have they got?

[fol. 239] MEMO FOR THE BOARD OF EDUCATION October 12, 1950

A few days ago my daughter brought home from school a letter sent to all the children by your superintendent, Dr. Stoddard—a learned man, I'm told, who is entrusted with supervising the education of Los Angeles' children.

Written, no doubt, in the spirit of the great moral leader whose precepts the devout members of the Board publicly proclaim—who said "Suffer little children to come unto

me . . .''—the letter told of your plans to drill our little children in methods of ''protecting'' themselves should the atom bombs fall.

Little children being filled with dread and hysteria! Little children being made the pawns and casualties of the dirty war! Little children coming home frightened and confused: ''Mommy, look—I put my hands on my head and the bombs won't hurt me!'' ''Daddy, please—can't we move where there is no sky so the bombs can't fall on us?''

Are there any words in all the languages you teach—honorable members of the Board—to adequately describe the horror and revulsion every decent human being must feel at this monstrous thing you have done?

All the authorities say—and you teach—that children need security above all if they are to become sound men and women. We can have a strong and good nation only if our children are given the opportunity to build healthy minds and bodies. (And soon there is to be another White House Conference On Children issuing thousands of words of advice on how to raise America's children . . .)

How can we parents give our children the security they need if the schools—which should be helping us—destroy all that we can build up? Don't you—and those who think as you do—want America to be a healthy nation? Or do you want a nation of neurotics to be used as Hitler used the German jugend?

Will your next step be—in line with the Hitlerian lessons which seem to be guiding our nation's rulers—to tell the children to spy upon their parents? Why not? Is this more horrible than what you have already done? Will you protest that you wouldn't dream of destroying the sanctity of the American home which—you orate—is ''the foundation of our great nation?''

The Enemy Within

You may reply that you did this thing because you were instructed to by ''higher authority.'' We won't doubt it. We understand that this is an integral part of the war being waged against the American people and the democratic way of life.

But for that very reason you should be fighting back—if

only to practice what you preach in your civics classes and to protect our children and our country's future. That's what you're elected for—not to collaborate with America's fascists, the way German educators did with theirs.

What is especially revolting about your action—you who presume to teach our children honesty and intelligent reasoning—is the utter hypocrisy in your trying to shove the big lie down our children's throats, the lie that there must be a war and that we are in imminent danger of "another nation" dropping atom bombs on us.

When the truth is that those with whom you are collaborating are the only ones threatening to drop atom bombs! When the truth is that there is no defense against them—and all your drills will be futile!

Does this not show up the real purpose of your action—to use our children against us, as weapons against their parents' refusal to go all out for the national insanity which our rulers are manufacturing? Isn't it clear that your purpose is to further condition our children, and us, for a life of regimentation, war and insecurity—for American fascism?

[fol. 240] Instead of having these futile, criminal drills, why don't you discuss with our children the possibilities of peace, the virtues of security? Why don't you spend your energies building more schools, training more and better teachers, developing more constructive curricula?

Why don't you educate our older children to an understanding of the real dangers which confront them and America and help build them into believers in and fighters for democracy—instead of perpetuating the lies and prejudices which they will have to unlearn as they grow up?

Yes, you and your kind want to condition our children for a world of war and death. We want them to live in and build a world of peace and life. That is the issue!

You have proved yourselves unfit for this task. We will have to do the job ourselves.

[fol. 241] FORCE AND VIOLENCE — May 25, 1950

At a recent conference in this community dealing with the alleged "hoodlum menace" one speaker, according to press reports, declared; "We are not accomplishing what

we should to make our youths better citizens. Maybe we aren't tough enough . . . Maybe we should use more force. It's going to take some killing. . . ."

For a long time now we have been propagandized with the charge that "the Reds" advocate the use of force and violence to overthrow our government. Day in day out this claim is repeated—and used as the justification for fastening a police state upon us.

It is vehemently asserted that advocacy of force and violence is a danger to the American government and that its proponents should be punished. With this I agree. Such advocacy is un-American and does undermine our democratic processes. Those who preach it must be punished.

I submit, then, that to urge a conference of law enforcement officials (as reported above) to kill our youth is advocating force and violence and the person doing it is criminally responsible. I predict, however, that in this case—as in many similar ones—nothing will be done to him, for this brazen advocate of murder is not a communist, but one of our "best people," an elected public official, Supervisor Roger W. Jessup.

No, Jessup is not communist (I would guess), and neither is William Jeffers, the industrialist, who also urged very rough treatment for our youth. The editors of the metropolitan dailies who joined in the cry for blood are not communists (as they will be the first to proclaim), nor are the persons who lynch Negroes and "repatriate" Mexicans. Neither are the Congressmen who urge atomic destruction of another nation—nor "Hydrogen Harry" who says he's ready to drop another.

Strange, isn't it, that not one of those guilty of urging and using force and violence is a member of the political party accused of advocating it? Quite the contrary. Every one of them belongs to the Republicans and Democrats (I suspect) and represents our "better class"—the rulers of America, who characteristically accuse others of doing what they themselves are doing or plan to do to our nation.

It isn't strange at all—because as surely as they must breathe to live, so must they resort to violence to "solve" the problems their own insanities create. That is the inescapable logic of fascism. When faced with the necessity of

meeting such people's needs as full employment and full citizenship they are inexorably driven to use force since they will not and can not find it within themselves to give any significant share of their wealth and privileges.

False Issues

They deliberately manufacture false issues—such as "Zoot-suiters" and "Soviet imperialism"—to divert our attention from the real issues. They don't want us to see what they doing to us. They create scapegoats—as Hitler used the Jews—whom they hope we will blame for our ills. And, as degenerate as any, the newspaper publishers join in to stir up the people so as to sell more papers.

In the current publicized "wave of hoodlumism" we find all these elements, mixed as in a witches' brew. The Jessups and the Jeffers', the Heart-s and the Boddys, abetted by such as Biscaituz, rob the minority peoples among us of the opportunity for economic security and human dignity and a wholesome life for our children.

Then they turn around and blame their victims for the conditions in which we live—and urge that our young people be killed. They have to wipe out the evidence of the treasonous failures of the "leaders" of our society.

Their guilt, most evil guilt, is more than compounded when the facts reveal that there has been no real epidemic of hoodlumism. That, in fact, the police records show a marked decrease in juvenile delinquency. And the "big" dailies—rotting shrouds of Satan—have actually combined stories of unrelated accidents and incidents to make it appear that serious crimes have been committed by our youth. This corruption is added to their old tricks of lying headlines and distorted photographs.

There are so many pressing problems facing our young people and ourselves—unemployment, thought control, our government's refusal to make peace. But do you find these 30-pieces-of-silver saddled fuehrers trying to arouse us about them to mobilize our forces to solve them—thus, incidentally, discharging their true responsibilities as public servants?

[fol. 242] What is especially frightening about their demand for the murder of our dispossessed youth is that this

is a logical development of the atom-bomb mentality which infects the land.

The rulers start with loyalty oaths to regiment our thinking. Then they jail people for teaching ideas which differ from their own un-American views. Then they jail citizens who defend the constitutional rights of all of us from destruction by un-American Committees. Then we have the violent attacks of storm troopers on Negroes and Jews at Peekskill.

Concentration Camps Next

Now they are urging killing of our oppressed minorities. The next step—if we don't stop them—will be concentration camps and crematoria for all Americans who refuse to be their willing slaves.

We have been told that loyalty oaths were designed to uncover those who would undermine the American way of life. Why then isn't the test of loyalty applied to those who are now fomenting racial hatreds in Los Angeles?

On this ground, I accuse the Jessups and the Jeffers of disloyalty. They should be condemned, not the Mexican-American youth. I accuse the Hearsts and Boddys as being un-American. They should be condemned, not the Eugene Dennis' and the Hollywood Ten. (They would be too if we lived in a sane world.)

And they are the creatures—may their tribe decrease—who, to quote Jessup again, want to "make our youths better citizens"—by killing them! (Quite a novel approach, eh?) Washington, Lincoln and FDR must be hiding their souls in shame—as Hitler is delirious with joy.

The best thing for the education of America's youth would be the removal of the Jessups and the Hearst's from any position of influence in American life.

Correction: In last week's column, the last sentence in the third paragraph should have read "This was a visible process—you could see the people glow and grow in his magnificent presence." Sorry.

[fol. 243] THE OTHER AMERICANS - march 8, 19

So much of the public's attention has been directed this past year to affairs in Europe and Asia that it is easy to

overlook the nations to the south of us and the importance of our relations with them.

With the announcement that there is to be a conference of 20 Latin American nations in Washington, it is well to review briefly the conditions in these lands. Particularly since the obvious purpose of the meeting is to pressure these nations into giving greater support to United States aggression in Asia.

A veteran observer of Latin American affairs, Carlton Beals—who is a Truman supporter—recently asserted: "Except for the more reactionary and feudal circles, anti-American sentiment is greater today than at any time since our marine interventions."

The New York Times complains that the United States has received little help from Latin America in our "Korean campaign." Stanford University's Hispanic American Report affirms that the majority of Mexicans are opposed to sending military aid of any sort to Korea. And the association of Brazil's army officers has strongly criticized U.N. support of North American aggression in Korea.

The New York Post reports that Washington has decided that "Unlike the last war when Latin American troops were not used in combat they will be very necessary for this purpose in the next conflict." And the New York Times discloses that the State Department is "negotiating with Central and South American governments" for the importation of thousands of workers, many of them to be used in labor battalions attached to United States forces throughout the world.

Under the familiar and obscene cry of "fighting communism" the United States has deliberately encouraged the formation of the most reactionary governments in Latin America. Of the 20 nations invited to the conference, 15 have definitely fascist and fascist-like regimes . . . ruling about 110 million people.

S. G. Inman, former United States representative to Inter-American Conferences, has declared that the political liberties of these peoples, our neighbors, have been taken away. Fascism was encouraged by the United States at the last big conference at Bogota in 1948, at the same time the United States betrayed its promises of economic aid to

Latin America—which it made at the Mexico City conference in 1945.

United States Intervention

Beneath a smoke screen of talk about "assistance" the United States has followed the traditional policy of encouraging more economic domination of Latin America by United States investors. Of the total private United States investments abroad in 1948, the State Department reports that 36.3% were in Latin America. From 1940-48 there was an increase of $1.5 billion in United States investments there—a greater increase than in any area where United States capital is at work.

The State Department reports further that the income from these investments has been increasing steadily since the war. From 1938 to 1945 it amounted to $400 million a year. In 1949 alone it was $997 million. While the rate of profit on investment abroad is 17.1%, as compared to 11.1% on investments within the United States.

Since the end of World War II our government has been helping reduce the standard of living of Latin America—70% of whom are reported as constantly hungry.

The United Nations Monthly Bulletin found that the cost of living has risen greatly in that area from 1940 on. For example: Comparing the first seven months of 1950 with 1949, living costs rose 7% in Mexico, 12.5% in Chile, 16.3% in Bolivia, 55.6% in Paraguay. In the same period it rose 1.8% in the United States. (And we know what suffering that much of an increase means for us.)

The Inter-American Economic Affairs Journal warns its readers: "The cost of living situation is an ugly one with serious political possibilities." And The Nation Magazine published an interview with a distinguished South American who commented: "The awakening of the Asian masses has been the outstanding development of the first half of the 20th century. The awakening of Latin America may be the historic event of the second half."

A valuable source of information about Latin America is "Latin American Facts"—from which the above material was taken.

[fol. 244] THE NEGRO NATION - March 1, 1951

To help make the rich promises of American democracy come true for everyone, to help each of us live a full life, education is important.

By education we do not mean the thing which is perpetrated in our educational institutions. For the most part they provide only a mass of poorly related facts surrounded by evil prejudices, designed to keep us from becoming mature adults and responsible citizens of a democracy.

By education we mean the achievement of an understanding of the forces which have shaped our lives and the destiny of mankind throughout history.

Such education is rarely achieved in our schools, and then usually in spite of them. To gain the necessary understanding of history and of the means whereby we can control our destinies we must therefore depend on teachers and publications which serve the people. We must turn to books and writers who recognize that it is the people, not the ruling classes, who build nations—that *is it* only thru the people's efforts that mankind's hopes will be realized.

An excellent example is Harry Haywood's book "Negro Liberation." It is valuable not only for its truthful recording of the struggle for Negro liberation, but particularly for its interpretation of the ideas essential to an understanding of the problems of Negro liberation, the ideas which can be powerful weapons for our side in that struggle.

Idea of Nationhood

To illustrate: Haywood presents the idea of the Negro people constituting a nation within the USA, and that they can not achieve full freedom until they gain that status. If his idea is foreign to your thinking, consider the points Haywood makes—all characteristics of nationhood:

While 15 million Negroes are scattered throughout the US, 5 million are concentrated in the Black Belt—a stable community forming the majority of the population over a large area. This is a population larger in size than that of many nations now in the United Nations. They are tied together by many bonds, characteristic of modern nations—

transportation, communication and money systems, and social and religious organizations.

At the time of the American Revolution one-fifth of the population was Negro. In the compromises involved in the making of our Constitution they were excluded from participation in American life. The Negro people were betrayed again after the Civil War—and their hopes for democratic absorption into American life blasted. But, freed from chattel slavery, they were made ready for the appearance of economic classes among them—which is characteristic of all modern nations in a capitalist economy.

The economy of the Black Belt area is largely agrarian, backward like that of all colonial areas. This makes it, in effect, an internal colony of American imperialism—a condition typical of other oppressed nations.

The culture of the Negro has been developing for over 300 years—and he is the inheritor of a rich historical tradition reaching back to the dawn of history. All Negroes speak the same language.

Even if the Negro people wanted to integrate themselves in our national life, our economic, social and political system by its very nature would prevent them from doing so. This means that Negro freedom and equality will be won only in the struggle against Negro oppression.

Fundamentally this demands a fight for land and political power for the Negro people in the Black Belt—a fight for the self-determination of the Negro nation, the right of the Negro people to control their own life.

Such ideas may be new to many of us. They certainly are a challenge to all persons sincerely concerned with the struggle for Negro liberation and the fulfillment of American democracy to study and understand the idea of the Negro people as a nation.

CORRECTION. In last week's column, the reference to Alfred Krupp should have read "destroyer of humanity"—not "... harmony."

[fol. 245] Doctor DuBois vs. Killer Krupp February 22, 195

Dr. W. E. B. DuBois, great American scholar, outstanding historian of democracy, leader of the fight for peace, has

just been indicted by a federal grand jury in Washington as a "foreign agent."

Alfred Krupp, munitions maker, murderer and enslaver of millions, without whose help Hitler could never have devastated Europe, has just been freed from prison.

The rulers of this nation, self-annointed leaders of "western civilization, Christian morality, and world democracy," welcome the un-Christian, undemocratic Killer Krupp as an ally—and they persecute Dr. DuBois, representative of world culture and democracy.

They free Krupp and rearm the Nazis because they need the help of such creatures in the war being planned. Knowing they cannot expect the support of any good men and women in such a war, they sent their great mouthpiece Eisenhower to plead with the Nazis to "let bygones be bygones."

Washington, preparing for global war in the face of the opposition of all decent human beings, salvages the inhuman fascists everywhere—for these are the only ones who will favor such a war. In doing so, Ike's "gang" must eliminate all that a DuBois represents, for people like him will fight hard the attempts to destroy democracy.

The Administration must try to annihilate the people's leaders and their moral, political and cultural weapons. Remember how Hitler's lieutenant shouted: "When I hear the word culture I reach for my gun!"

Foreign Agents

Dr. DuBois vs. Killer Krupp—truly the battle of the century! They personify the two worlds which do exist today—the world of peace and democracy and the world of war and fascism.

It is very significant that the freeing of Krupp occurs at the time of the quisling war budget and tax program, the provocation of China, the threatened starvation of India, the recognition of Spain, the building of another string of bases around the USSR, the admitted failure of the Marshall Plan, and the continued aggression in Korea.

Related to these actions, the indictment of DuBois and the reinstatement of Hitler's financier prove beyond all

doubt that Washington and Wall Street have finally decided to dispense with further pretenses and to openly and brutally speed up its plans for world war.

It follows "logically" therefore, that they will consider Dr. DuBois a "foreign agent." A fighter for democratic principles is indeed foreign to an undemocratic war. Culture and art and humanity have no place in such a war. Such men and ideas are not only foreign to such barbaric plans, but a positive hindrance to them. So they must be crushed.

What particular blasphemy it is that the persecution of Dr. DuBois should occur at the time of Lincoln's and Washington's birthdays, at the start of Negro History Week. America's reactionaries, having tried for generations to destroy the record of the Negro people's contribution to America, now seek to destroy the scholar who has done so much to restore that history.

Dr. DuBois vs. Killer Krupp—the eternal fight between good and evil, between democracy and fascism. On which side would Lincoln and Washington be? Whom would they consider the foreign agents, the enemies of American democracy—Dr. DuBois? Or the men who beg the destroyer of harmony to help them destroy America?

[fol. 246] WAR AGAINST AMERICANS — February 15

President Truman has proposed that the taxpayers of the USA spend $71,594,000,000 during the 12 months from July, 1951 thru June 1952. This sum will be spent for the following:

1. Direct military expenditures	$41,421,000,000
2. International security and foreign relations	7,461,000,000
3. Atomic bomb developments	1,277,000,000
4. Defense production and controls	1,403,000,000
5. Civil defense, defense housing, etc.	948,000,000
6. Veterans affairs	4,900,000,000
7. Interest on the national debt	5,900,000,000
8. All other functions of government	8,284,000,000

The first five items, comprising 73% of the total budget, are directly for war. The sixth and seventh items, 15% of the total, are mostly chargeable to past wars. This

leaves just 12%—12c out of every dollar—for the normal functions of our government, for the administration of those programs (like social security) which attempt to serve the people's welfare. These are what Congress and the press call "non-defense" expenditures.

To finance this budget, Truman and his advisors propose a "tax-until-it-hurts" program to raise $16 billion during the fiscal year. This tax program has two chief features:

(1) A 4% increase in each tax bracket, starting with an increase from 20% to 24% in the lowest income group, which means an increase of one-fifth in the tax on working people. In the highest income brackets this same 4% means an increase of only one-thirtieth. In other words, a worker who paid $100 in taxes a year ago is now paying $120, and will pay $156 if the new tax bill is enacted. (2) A sharp increase in excise (sales) taxes—such as an increase from 7% to 20% in the tax on autos, from 1½c to 3½c per gallon on gas, from 7c to 10c per pack of cigarettes, from 10% to 25% in the tax on refrigerators.

In a nutshell, as the Bureau of the Budget has figured it, of the total government revenue for the period, 35% will come from direct taxes on individuals, 27% from direct taxes on corporations, 11% in excise (sales) taxes, 4% from customs taxes and such, and 23% from "new taxes." Big business publications, demanding that "we should tax consumption and not production," jubilantly declare "the excess profits tax . . . is much milder than business had dared to hope for."

What It Means

The Administration's budget is a war budget and its tax program is designed to finance that war—a war against the freedom-loving peoples of the earth, particularly the American people.

We have asserted in the past that if the American people permitted their government to make war on other peoples—as in Greece, China, Korea—such a government would in time make war on its own people. In fact, it would be compelled to do so, since without subjugating and exploiting the American people the Administration could not have the political power (freedom from restraint) and the resources with which to wage war on others. The foreign

policy and domestic policy of any government are truly one, simply opposite sides of the same coin.

Our government itself insists that its program is a war program—and its foreign policy is illustrated by its war against the people of Korea who sought to establish their own democratic government. That being the case, it is inevitable that U.S. domestic policy would be guided by the same purpose—as illustrated by its determination to drive down American living standards and to curtail our traditional liberties. The official figures prove it: more than 73% of America's wealth is to go for war and less than 12% to serve Americans.

Truman insists that there must be "equality of sacrifice"—and so working people not only have to pay most of the taxes and a greater increase in their tax rates, but they are hit again by the increased taxes on food and gas and other essentials. We will have less take-home pay and we'll have to pay more of that for the things we need to go on living. The dollar today is worth about half of what it was in 1939.

[fol. 247] The criminality of the government's war program—its determination to reduce our living standards to their lowest possible level—is proved also by its fantastic "price & wage controls." Prices of food and other essentials are "frozen" at their highest point in history, and wages at their lowest point in years—while "1950 witnessed the largest total profits in American business history," as Truman's Economic Council admits. Truman's personal hypocrasy is shown again by the fact he had authority to freeze prices since last fall.

The American people are not only being compelled to give their sons to a war directed against themselves, but they are being forced to pay for it in increased taxes and lowered living standards.

This is the program the same Truman describes as "the only realistic road to a world peace based on justice and individual freedom."

The financial pages of the L.A. Daily News are more accurate. They report that the government's war program is "conspiring to continue the super-boom. . . . One wonders what might happen if some event, now considered remote, should occur to reduce the threat of war."

[fol. 248] Negro History—and Murder – February 8, 1951

As the American people celebrated Negro History Week, the American government permitted the legal murder of 7 Negroes in Martinsville, Virginia.

As we honored the contributions of the Negro people toward the building of this great land—the American system of justice electrocuted seven innocent Negroes at the very moment it freed dozens of Nazi monsters about whose guilt there is no question.

While even Supreme Court justices refused to stay the execution of the seven Americans who had committed no crime—Eisenhower, shining knight of Western civilization, found it in his heart to offer wholesale forgiveness to Nazis guilty of the most barbarous crimes in history.

The American President can easily violate his oath of office and declare war on the colored people in Korea, sacrificing thousands of Negro soldiers in the process—but he could not find it within his vast powers to do the perfectly legal and just act of saving innocent men in Virginia.

The U. S. Senate can threaten the colored people in India with starvation for refusing to follow American leadership in provoking war with China—while it ignores the failure of American leaders of "world morality" to protect colored people in the South.

Wonder how the Voice of America broadcasts will explain this latest manifestation of the "American Way of Life"—seven human beings legally murdered to satisfy treasonous prejudice? This American way of life which the State Department insists must be adopted by all other countries. They will probably have a special broadcast stating that the awarding of the Peace Prize to Ralph Bunche in Stockholm proves how highly Negroes are honored in Washington.

Can there be any sharper exposure, than that given by the above events, the wide gulf separating the rulers from the people of America? How contempt-ous they are of our needs and aspirations!

The People's Answer

The presidents and clergymen, the justices and generals, may ignore the official murder of seven innocent Negroes, but the American people won't.

We know we can no longer expect any justice from those who are capable of such deeds. They have long since forgotten what justice means—they who defile the word every time they utter it. They have placed themselves outside the pale of humanity.

We know that we must depend only on ourselves for justice, and all else that makes a good life. We will have justice only when we fight for it, black and white together. We will produce the programs and the leaders to guide us to victory. We can do it, for we have done it before, again and again.

In the Civil War period we produced a Frederick Douglass, an Abe Lincoln, a Harriet Tubman. Their ideas and forces won. And it was Lincoln who said: "Without the military help of the black freedmen the war against the South couldn't be won." (We can add: Without their help the promises of the American democracy will never be realized).

And during the Reconstruction days that followed, it was the new freedmen, black and white, serving as legislators, educators and justices, who gave the South the most democratic government it ever had.

But the promises of that period were betrayed by the rising money power, and the achievements of the freedmen wiped from the history books taught our children. Just as today the same money power is betraying the promises of our victory in World War II, and is trying to erase from the recorded history of that war the contributions of Negro soldiers and civilians.

Yea, the present rulers may ignore the Negro genius, sweat and blood which have helped nurture this mighty nation—but the people won't.

For we will not only re-write the history books to tell the truth. Together, black and white, we will make history, and . . .

Justice will be done.

[fol. 249] TRUTH WILL RISE December 7, 1950

It is not surprising that there is so much confusion among people regarding world affairs or national problems in view of the way in which the press deliberately misinforms us. But from time to time they are compelled to tell a bit of the truth, if only to serve their own purposes—as when thieves fall out.

Three recent reports—from Korea, from Germany, and from Michigan—do much to illuminate conditions world-wide.

The dispatch from Korea to the New York Times reveals that though installed in power with full support of the UN, and with his opponents' "broken back," a certain Syng*ham* Rhee "has been unable to win support of a large segment of the population . . ."

Is it not pertinent to ask therefore: Since we knew the North Koreans did not want Rhee, and now our own observance says that the South Koreans don't want him, what becomes of the U. S. arguments justifying intervention in Korea to "support Mr. Rhee, the legal head of Korea, and to enable the Korean people to determine their own affairs"?

The reports from West Germany show that in two important elections there in recent days, the people decisively rejected the policy of rearming Germany. Where does the U. S. stand then with its fierce insistence on the rearming of Germany as essential to the defense of Europe and the "Western democracies"—when the people of France and Europe and even Germany are so violently opposed to it?

May it not be asked therefore: If the people in whose interests we say we are intervening spurn us and our efforts, does this not indicate that we are not serving their best interests—that, in fact, what we are doing is opposed to their best interests? That maybe what is being done is more in the interests of those who are forcing these programs on the others?

Specifically: It is reported that MacArthur, the general directing the Korean war, owns considerable investments in the Far East, as do other big financiers, in uniform and out. They also own large interests in West Germany and

throughout Europe. Might it be interpreted that those who are pushing the war are concerned about their investments? Their policy certainly isn't bringing peace and security to Korea and Germany. What then is its purpose?

On both possible interpretations of the war-mongers' motives, they are wrong. They have no more right in law or morals to use American lives and resources to try to dictate to other people how they shall shape their national lives (if that is their purpose)—than they have to use American lives and resources to save the investments of the Du Ponts and MacArthurs!

RULERS' PRIVILEGE VS. PEOPLE'S HOPE

The dispatches from Korea and Germany (and every other place) reveal that our rulers have no basic understanding of the forces operating in the world today. The hopes and aspirations of billions of human beings they count for nothing when weighed against their own profits and power.

Perhaps it is more correct to say that they do understand world forces, that they know the liberation movements everywhere are not "Red plots" but attempts of those peoples to run their own lives. But America's rulers simply will not accept what is historically inevitable since it constitutes a threat to their continued monopoly of profit and power.

Therefore, they must try to crush it, to turn history back. And I think that in their desperation they know they will not succeed, any more than did other tyrants in the past, any more than King Canute was able to stop the ocean waves from rolling over him.

Opposed as their whole program is to the interests of other peoples, it is even more opposed to the vital interests of the American people. What are we getting out of it—except mounting casualty lists, lower living standards and fewer civil liberties? And an evil reputation that may outlast the Nazis (the way we've been fondling them . . .)?

[fol. 250] The leaders of the nation must abandon the idea that the U.S.A. has been divinely chosen (even by MacArthur) to take on the "white man's burden." This is not the era of the American Imperialist Century—but the Cen-

tury of World Equality. It is in working for such a goal—peace on earth and equal access to the earth's riches for all peoples—that the true interests of the American people lie, not in insanely trying to subjugate other nations to enrich still more the privileged few in Wall Street and Washington.

How much longer do the madmen think they can get away with flouting the will of the world? Do they think the American people will continue to support them? Let them take notice of the signs of protest.

From Michigan last Sunday comes the report of the resignation of the chairman of a county draft board who said: "I could not be a party to forcing Americans to fight, freeze and die in the hills of Korea in a cause that is neither holy nor just. . . . I will do my best to support and protect my country but I cannot nor will I sustain nor support the national administration which does not practice the first principles of enlightened statesmanship."

That American, Leonard L. Case, will be remembered when MacArthurs and Achesons have long been forgotten.

[fol. 251] THE PROFITS OF WAR—November 16, 1950

Since history teaches us that the ruling classes of many nations have in the past resorted to war to "solve" the economic crisis into which their own greed and incompetence have plunged their countries, we asked the question last week whether this might have been a factor in causing America's financial powers to declare war at this time on the liberation movements in Asia.

In examining the USA's economic condition in the months preceding the intervention in Korea, we found that there were approximately 10 million unemployed in the land, that in some cities the percentage of unemployed was as bad as in the depression, that relief loads were increasing, that the level of income going to the workers was approaching the dangerous low level that preceded that 1929 crash, that a worker's real wages had dropped at least 12 per cent since 1944—and profits were the highest in history, and going up.

Other serious symptoms of America's economic illness just before the instigation of the Korean war were the following.

Small Business and Monopoly

Small business was feeling the crisis too. More and more were being wiped out. For the first time since pre-war depression days, more small businesses were being abandoned than were being started.

But monopoly was getting bigger and bigger, the nation's wealth was being concentrated in fewer and fewer hands. Of all the corporate taxable net income in the U.S., 13 per cent of the corporations received 90 per cent of that income.

It is not surprising therefore that the Federal Reserve Board found that one-third of all American families in 1949 spent more than they were earning—just to stay alive. Food consumption was falling—and food prices were still going up. While tons of "surplus food" were being stored in caves.

Sales, Production, Foreign Trade

What is especially significant about conditions preceding the Korean "gamble" is that the invading corporations were making the greatest profits in history—on a decreasing volume of business. Just imagine the profits they made on what little you did buy!

Retail sales were down 5% in 1949, from the previous year—though the national population had gone up 2%.

Industrial production had also declined 17% from December, 1948, to July, 1949, and economists were predicting a further decrease of 17% in 1950. Corporations were curtailing their investment in new plants and equipment by about 15%.

Foreign trade had fallen sharply, nearly 20% from April, 1949, to September, 1949. This was 30% less than the monthly average during 1947. The sharpest drop in imports during this period was from the Marshall Plan countries.

Summary

The U.S. Bureau of Labor Statistics reported in December, 1949, that the economic trend in 1950 would be down—with gradually rising unemployment, due to increasing productivity per worker and a falling consumer demand at home and abroad.

It was also reported that unemployment would be further

increased by declining production, and as industries introduced more "speed-up" and "incentive wage plans," etc. It was estimated that in 1950 about one million more persons would be added to the labor force.

Leon Keyserling, chairman of the President's Council of Economic Advisers, admitted in April, 1950, that the outstanding economic problem before the country was the "rising level of unemployment in the face of business prosperity." He warned that unemployment would reach 10 million in 1954 unless the nation's economy expanded each year.

Baxter's International Economic Research Bureau, a private agency, warned its wealthy customers as far back as August, 1949, "We are in the greatest depression in our history. Study the break-even point of the average American family in our cities today and you will find their plight even more serious than that of the agricultural population prior to the crash of 1929."

The United Nation's Economic Report, released in July, 1949, admitted in remarkably polite and guarded language that "A depression is developing in the United States . . . and as a result . . . a depression is developing in other capitalist countries. In non-capitalist countries these economic difficulties have not appeared."

[fol. 252] Can we conclude, therefore, that there was a relation between the economic crisis in the U.S.A. in the months preceding the outbreak of war in Korea and the manufacture of that colossal tragedy?

Correction: In last week's column, the statement that the national income rose 22% between 1949 and 1949 should have read "between 1945 and 1949."

[fol. 253]

The Profits of War

Part I— October 19, 1950

Before the start of the Korean War, total federal costs for all purposes were about $40 billion annually—of which some 75 percent were for war purposes, past, present and future. Now, because of our intervention in Asia, the annual cost of the war program ALONE is expected to exceed $40 billion—and the total federal budget will run over $60 billion, maybe $70 billion.

That is, if the current madness remains only the "biggest arms race in history"—as Business Week magazine calls it—and doesn't grow into a universal war. If it does, then the cost of that is any madman's guess.

These astronimical sums for war mean higher taxes. And where will these taxes come from? You're right, from your shrunken income and mine. Already the working people have been hit, just as a starter, with a $5 billion tax bill—as of October 1.

To demonstrate the characteristic "fairness" of these laws, the new tax takes 20 per cent more from an average worker than he paid in 1948—but only 13.7 percent more from a man with an income of $100,000. All this in addition to the unfair excise taxes which we have been paying.

These billions for war mean also higher prices for us, as you know. The U.S. Bureau of Labor Statistics, which issues official reports on these matters, has announced that its wholesale price index has risen 18 per cent since Truman threw our men and honor into Korea. The increase in retail food prices alone is increasing 2 to 3 per cent a month since the intervention. We are now paying 29.8 per cent more for food, clothes, etc. than in June 1946 (when OPA was killed) and 75.5 more than in August 1939. A rise of at least 5 per cent more is expected by the year's end. (All these are very conservative estimates.)

These tremendous sums for war mean less for welfare programs for the people. The forces who give Truman's Administration its marching orders are demanding cuts in "non-defense spending," as the Magazine of Wall Street calls it. And in case we don't get the point, they spell it out: those "functions and activities which are postponable"—public housing, compulsory health insurance, aid to education, et cetera.

The Economic Royalists

According to them, America's only reason for existence is to produce for war. Everything else is non-essential. And, running true to form, it never occurs to these "patriots" that they should pay a fair share, or any share, of the war tax burden—out of their swollen profits, now the highest in history.

Corporation profits have reached the annual rate of $35 billion before taxes, and $21 billion after taxes. They've never had it so good. And they've never fought so fiercely to keep from parting with some of it. They are fighting against any excess profit tax—with the help of Congressional leaders who are urging us to make all the sacrifices. The Senate Finance Committee refused to pass such a tax on the rich, but rushed through a "soak the poor" tax which we began paying October 1.

While demanding that we give up our sons and dollars to support the Truman-Wall Street gamble in Korea, these "patriots" are profiteering like mad. Even the Army is complaining of the high cost of making war these days—just since the oKrean war started the cost of arms and equipment has gone up 90 percent! Even medical supplies for wounded American soldiers! Rubber is up 95 per cent, wool 50 per cent, lead 40 percent, and so on ad nauseum.

Senator Gillette, chairman of the Senate Committee Investigating Price Rises, declared: "None is hoarding bread, yet prices have risen 1 to 3c a loaf, or milk, which has gone up 1c a quart or more."

The papers, you will note, have been blaming the unwarranted price increases on "the hoarders," meaning the handful of misguided consumers who've bought a few extra pounds of sugar—but not a word about the unprincipled speculators who buy and sell huge quantities of foodstuffs and reap enormous profits. They are just good businessmen.

While profits and the cost of living keep soaring, Truman refuses to establish the price controls Congress authorized. But he is considering wage controls. Not satisfied with the limitless loot they're getting from the government, the patrioteers are getting ready to force Congress to pass a national sales tax and an additional tax on any wage increases which labor may win.

All this, and the Korean War has just begun.

What's it all for—this astronomical spending and taxing, this shrill demand for the American people to reduce their standard of living. (Next week we'll discuss these questions).

[fol. 254] THE PROFITS OF WAR

Part II

October 26, 1950.

Last week we discussed the fact that the American corporations' white supremist war in Asia is raising the costs of our national budget by some $40 billion annually—providing that it remains only a "little war." We saw that the corporations' representatives in our government are sucking these billions from the sweat and hearts of America's working people—already the war bill amounts to a $4 weekly cut in the workers' take-home pay, while it has brought the corporations their highest profits in history.

It is clear to all who will see that as a result of the Korean War the American people are being asked to pay a very high price—for what? And that we are to be asked for even greater sacrifices—for what? We have a right to know why we are being considered to pay such a price again, a few short years after our great sacrifices in World War II. What will we get in return for a lowered standard of living and the corruption of the democratic way of life?

We demand the answers—particularly since a spokesman for America's ruling class, former Secretary of Defense Johnson, declared at the American Legion convention:

> "The taxation and military service we may have to bear to meet the present emergency may become a permanent and fixed cost on our price of freedom."

Sounds like one of Hitler's dictates, doesn't it? Let Johnson's collaborators in high places tell us why these mon-trous demands on our incomes, lives and liberties may become "a permanent and fixed cost on our price of freedom."

Barron's Weekly, the national financial voice of monopoly, entitled one of its recent editorials "U.S. Empire" and proclaimed: "American troops are fighting in Korea and are deployed . . . along the Rhine in an ancient and honorable task . . . whether we call this making the world safe for democracy, or saving our necks, or the maintenance of an American Empire . . . we may not need to draw on the

spirit of the White Man's burden (tho its extraction from the shelf might do no harm."

To which the National Industrial Conference Board, leading monopoly research agency, adds: "America has embarked on a career of imperialism, both in world affairs and in every aspect of her life. . . ." And Barron's Magazine responds: "The U.S. has inherited an imperial mantle as order-keeper of the world."

Did you ever see such delusions of grandeur outside an insane asylum? Somewhat alarmed, the Wall Street Journal, veritable bible of the elite, tries to caution its own madmen by saying: ". . . to assume that every non-Communist nation in the world is automatically to destroy democracy and must be saved from communism is to begin to arrogate to oneself the prerogatives of diety. It is to say in effect that the rest of the people in the world are irresponsible, incapable of judging between what is good and bad."

Whom the Gods Would Destroy

But there's no restraining them . . . for whom the gods would destroy they first make mad. . . .

The National Ass'n. of Manufacturers, thru its president, is reported to have told President Truman's Advisory Committee on Mobilization Policy: "This tension has to break sometime. . . . A preventive war would be one way to end this intolerable situation. Our country, and especially business, can't stand interminable mobilization."

While the Journal of Commerce, another authoritative monopoly publication, affirms that long-term prospects for just that sort of program seems to be good, describing them as "reasonably optimistic as to the 1951 outlook for securities. Such views are based also on the assumption that the armament program will continue . . ." And Moody's Stock Survey gives the assurance: "There isn't any chance of returning to where we were before Korea."

In the face of the world-wide yearning for peace, the vultures gloat over American bodies in Asia, and declare in their Wall Street Journal: "They all (Administration leaders) say that we need a shooting war, that for the task ahead of us a state of war is more desirable than a state of

peace. . . . When you begin to say 'Peace, it's terrible!' you come at last to say 'War, it's wonderful!' "

To which the most fitting expression of current cannibalistic thinking is given by their Dun's Review.

"Quite apart from its tragic aspect, the effect of the Korean crisis on business was salutary in so far as increased government expenditures portend an indefinite continuation of current high level economic activity. Business was more assured of stability in the economy . . . than at any time in the past few years."

There we have the answers from their own mouths . . . to why we are being asked to give up our sons . . . to take food from our children . . . to consent to a police state.

[fol. 255] THE PROFITS OF WAR

Part III November 3, 1950

Two weeks ago we discussed the obvious fact that the military expedition of American imperialists in Asia has increased our cost of living, decreased our liberties, and brought us higher taxes and death—while it brings the greatest profits in all history to the United States corporations.

Last week, in answer to the question, "Why are such sacrifices, and greater ones, being demanded of the American people?" the ruling class spokesmen told us: "The forces which control our nation are engaged in an imperialistic conspiracy to force other nations to "live our way" since we are the "order-keepers of the world.

Translated, this means that we have to smash in blood if need be the efforts of the world's colored peoples, and all peoples, to liberate themselves. Since this means war, they say, war is wonderful, and peace is terrible!

We come now to the third leg of the triangle, as it were: Why did the Truman Administration and the monopolies for which it is the agent decide to make war at this time?

Since history teaches us that ruling classes in the past have resorted to war to "solve" the economic crises which their own greed and incompetence have driven their nations into, we should examine the condition of the United States economy in the months preceding the intervention in

Korea last June. Let's look at some of the symptoms which generally reflect a country's economic health or illness.

Unemployment

In February, 1950, unemployment in the U.S.A. had reached 4,684,000—the highest point in nine years. Almost two million more than the year before, and it was growing at an increasing rate.

These are United States census figures, which notoriously underestimate the true situation always. They deliberately exclude workers who are "temporarily" laid off, part-time workers, and those on the fringe of the labor market (women, many Negroes, etc.) who are willing and able to work. The United Electrical Workers Union estimated that there were 1,483,000 workers in these three groups.

Official unemployment statistics also exclude those persons who are out of the labor force because of age or disability, but who could do useful work in a sane economy. These were estimated by the Federal Security Agency to number some 5½ million in April, 1949.

We may assert therefore that four months before the Korean war began there were at least 10 million unemployed persons in the United States. And, of the Negro labor force, 14.7% were unemployed, as against 6.8% for the non-Negroes.

In some major cities 25% of the labor force was unemployed in April, 1950—as bad as it was in the depression days. In California, Gov. Warren admitted to at least 474,000 unemployed last January.

Relief and Income

In Los Angeles County there were 52,033 persons on direct indigent relief last January, compared to 39,901 in January, 1949. As far back as June, 1949, a survey of 38 states showed that five had already put depression-style relief laws back on the books and seven cities had work relief programs.

When the workers' share of the national income falls too low, depression is inevitable. A Congressional committee reported that "In June, 1948, income for workers was 58.9% of the national income (compared to) the 55.9% level of

1929" which set off the big depression. (Imagine what it was in April, 1950.)

Between 1945 and 1948 the buying power of your wages fell 16%—the worst decline since 1914. This so reduced the nation's buying power that United States consumers could buy back only 70% of the nation's output—the lowest proportion in history. By contrast, national income rose 22% between *1949* and 1949, while net corporate profits rose 96%, and total wages only 16%.

But the real wages of workers in manufacturing industries fell 12% between 1944 and 1949, while the corporations averaged $1481 profits per worker in 1948 as compared to $470 per worker in 1939. Farmers' net income dropped 13% in the first nine months of 1949 alone, and the prices they were receiving were 20% below their post-war peak.

In the face of this sharp decrease in workers' income, the U. S. Bureau of Labor Statistics reported that the average family needed at least $57.50 per week to maintain a minimum standard of living (just to keep alive), last spring. But official statements showed that nearly half the American families had less than that to live on.

(To Be Concluded Next Week)

[fol. 256] Scot-sboro Boy - September 21, 1950

The appearance of the autobiography of Haywood Patterson—one of the victims of the un-American Scottsboro frame-up—would be an event of major social significance at any time. But its publication at this time—in the period of growing danger for all minority groups, the period of our war on the colored peoples striving for liberation—makes it an event of political significance as well.

Over the years I have read, and reviewed, many books—but never one so unnerving as Haywood Patterson's account of his long ordeal. It is a shocking, revolting, maddening account of the frameup of nine innocent Negro boys and their persecution in Southern courts and prisons.

Completely honest, this book does more to reveal the basic degeneracy of Southern society, does more to expose the fascist structure of that area, than almost all the "scholarly" research studies made of the "Southern problem."

The book is an especially damning indictment of the jails and jailers of the South, and of the entire U. S. penal system. At any other period the appearance of such a report of how human beings are being tortured in our penal institutions would so jolt the conscience of the nation that it would lead to a revolution in America's penal system.

In a saner society such a book would have an effect comparable to the reforms created in America's treatment of her mentally-ill by that other famous autobiography, "The Mind That Found Itself" by Clifford Beers. But where the rulers are intent on turning the entire nation into a vast prison, such a book will be buried.

For, more than anything else, Haywood Patterson's report of Negro life in the South exposes beyond rebuttal the hypocrasy of America's pretensions to following the democratic way of life, and to teaching it to other peoples. Those who have not yet learned such lessons themselves can hardly teach them to others. "Scottsboro Boy" offers dramatic proof of the contention that the "Negroes know fascism."

That is why U.S. rulers dare not let such reports out to other nations, particularly the colored nations. And why they make such frantic efforts to cover up their crimes by appointing the "token" Negroes to various honorary posts, even in the U.N.—the international organization which should be using its powers to bring justice to America's colored people.

America in Miniature

What "Scottsboro Boy" does in its story of the brutalization of human beings in Southern jails and chain gangs, the exploitation of prison labor to enrich corporations and public officials, the use made of the torture of innocents to further the political careers of bigots—is to present us, in effect, with a picture of capitalist society in miniature.

What goes on in the prisons is only a sharper, more concentrated version of what is going on outside all the time. (The worst thieves and murderers are not in prison). This prison society is the logical, inevitable, outcome of the larger "free" society which idolizes the dollar more than human life, which enshrines material "success," and has only contempt for all cultural and spiritual values.

"Scottsboro Boy" should be required reading in every school. Every public official and police officer—especially members of Congress—should be obligated to read it. And the Rankins & Lanhams & Byrnes should be forced to read it 100 times. A reading of it will help everyone understand Negro life and American history better.

In telling his story Haywood Patterson reveals himself to be a very brave man, a wise and sensitive man, a veritable mountain of courage. He is a man with a rare sense of humor, remarkable in one who has suffered so much. A proud man, with every reason for pride—for few men have achieved so great a personal victory over fate. The full power of Southern lynch society could not crush him.

His life thus exposes once again all the traditional lies about Negro "inferiority." He symbolizes the tremendous power and gifts the Negro people have to offer American life . . . and of which we have been criminally deprived so long by slavery and jimcrow.

By surviving the agonies of Southern "justice"—and telling the tale—Haywood Patterson has made a priceless contribution to the fight for democracy. The progressive forces of America have an obligation to protect him—as they helped save him—so that he can continue living, and fighting with us, live to enjoy the democratic privileges he has so richly earned.

[fol. 257] NEGROES KNOW FASCISM September 14, 1950

At each new manifestation of American fascism—whether it is the jailing of a famous author or attacks on the peace petitioners or the denial of the right to bail—there is a painful shudder in the ranks of those Americans who've drugged themselves with the deadly refrain: "It can't happen here . . . and if it does, they don't mean me."

It would be hilarious if it were not tragic. For it not only can and is happening here—but one of the major reasons for it is that the USA has had a longer and more violent pre-conditioning for fascism than probably any other nation. As "Exhibit A" to support this charge, look at the lives of Negroes among us. (Or, at what we did and are doing to the Indians and Mexicans.)

The Negro people don't have to have fascism defined to

them. They know what it is. They live under it. Every significant feature of life under the Nazis is true and has been true of Negro life under American white supremacy.

Take the unconstitutional (and subversive) laws recently passed to compel the registration of every American who doesn't agree with the knaves in public office. It is doubtful if such legislation will seriously affect the lives of many Negroes in our country. Unconstitutional laws have persecuted them since the Constitution was adopted. And as for registration, their color automatically registers them at birth for "special treatment."

Consider the concentration camps and crematoria of Nazi Germany, the masterworks of the fascists—whom our government is busy restoring to power. The inhumanities there shocked the world more perhaps than the other Nazi deeds. Yet, those Germans guilty of them had been ordinary and average Germans. How did they become such monsters so quickly?

In the modern history of Germany before Hitler, it is questionable that the Germans had been conditioned by such inhumanities as have been practiced by average Americans on Negroes in the South and elsewhere for generations—the thousands lynched, burned, blinded, violated, chain-ganged, buried in unmarked graves.

All America Threatened

With such prior "training" Americans should go far. We may ask whether the "strange fruit" of this training isn't being harvested in Korea, when even Life and Time magazines report on our atrocities.

Or contrast the daily life of Negroes in the U. S. with the treatment accorded non-Aryans by Hitler's hordes . . . the sub-human status assigned to non-Aryans, their segregation in ghettoes, their expulsion from political and cultural life, the humiliation of their children, the denial of jobs and food and medical attention and education—the denial, in fact, of life.

Is not each and every evil face of fascism listed above true of the Negroes' existence in America? Is it not proved in the Negro child's life expectancy, shorter by at least 10 years than the others?

All of this, and more, is in store for all Americans if we do not stop the drive to total fascism now being accelerated under cover of the Korean war.

One way of describing what is happening to the rest of decent America today is to say that they are all being given a taste of what's it's been like to be a Negro in our democratic land. (And the chorus intones: "This is only the beginning . . .) It may be asserted that this would not, could not, be happening if white Americans had prevented it from happening to colored Americans.

There has been a vile perversion in our national thinking that the inhumanities heaped upon our Negro neighbors affected them only: A parallel perversion exists in the notion that the official hounding of progressives hurts only the progressives—that constitutional rights are being denied "only a little" to "only a few" people.

The truth is that democratic America is paying a grievous price for the sufferings of the Negroes—as she is for the persecution of her progressives of all colors. A nation can no more be "just a little bit facistic" than that certain young lady could be, as she told the judge, "just a little bit pregnant."

All Americans today must identify themselves with those of our fellow-citizens who are being persecuted. Each parent must see his child in the face and future of the colored child. Each one of us must see our fate, our country's fate, in the fate of America's democratic citizens. We must do so to enable us to stop fascism's advance.

We must never forget Walt Whitman's warning: "When liberty draws not the blood out of slavery, then slavery draws the blood out of liberty."

[fol. 258] WHO DO THEY THINK THEY ARE?- September 8, 1950

There can be no denying the fact that the United States of America is more powerful now than ever in her history—and that in certain respects she is the most powerful nation in the world. Nor can it be denied that the USA today is the most fear-ridden nation in the world. All its mighty power seems to offer little comfort. Why?

Our country emerged from the victorious war over fascism the most favored nation on earth. None of our cities

had been devastated, our industries had multiplied their productive capacity, we had lost comparatively less of our manpower than any of our allies. The stage was well-set for an era of abundance and greater freedom.

Yet—five short years later this great vision is maggot-ridden, destroyed: This most powerful nation, which promised so much, is afraid of its own shadow, its honored name is blackened wherever honest men live, its great strength is being dissipated in doomed ventures over the globe, its civic and social life is poisoned by an officially-inspired inquisition, the unity and pride of her people are being undermined—and her "leaders" are an immoral, terrified and desperate crew. Why?

Throughout the country, in our Capitol, in Michigan, in Georgia, in California, duly elected officials, sworn to uphold the Constitution and the Bill of Rights, are obscenely competing for the dishonor of betraying that Constitution and America's heritage. In Washington, Administration leaders join with outspoken enemies of democracy to secure passage of the Mundt-Ferguson-McCarran-Hobbs bills which would legally establish fascism in the land of Jefferson, Lincoln and F*RD*.

In L. A. County: the Board of Supervisors, elected "representatives" of the people, carry out a sneak attack on the people's rights—while contemptuously ignoring our real and urgent need for housing, adequate relief standards, fair employment practices, protection from storm-trooper police. (Which reminds us: Where was John Ford when the lights went out in L. A. County—this politician who has traded so long on his "liberal reputation"?)

In the L. A. City Council the same crimes are committed. Which proves once again, as it has been proved daily throughout the world these many years, that it is those in high places who are the quislings, betraying their trust and their nation. While it is the common people and their spokesmen—the Reuben Borroughs, the Margie Robinsons, the Paul Majors—who fight unrelentingly for the people's needs and rights.

It is true, as the treacherous press and radio and courts proclaim, that there is a subversive conspiracy in the land to destroy democracy. But it is not true that this Fifth

Column works so secretly. Many of its members are conspiring out in the open, with official encouragement, in the halls of Congress, in the boardrooms of corporations, in the legislatures of the states, cities and counties.

They Fear the People

Life has taught us that the really strong man doesn't have to go around always threatening others to prove his strength. The truly wise man doesn't feel compelled to convince everyone he meets that he is wise. The truly just man doesn't find it necessary to prove a thousand times a day that he is just.

Isn't it obvious therefore that what our misleaders, power-mad military and greedy financiers, are proving by their threats and attacks is not how strong they are, but how weak they are? Are they not demonstrating that they have no faith in their own propaganda and policies—for which they are asking us to give up our liberties and lives?

Isn't it obvious that this insanity is an effort to cover up their miserable fai-ure to solve our nation's problems—that it is a frantic attempt to escape the people's wrath?

Having failed in their global gamble to "contain Communism" they are trying to contain the American people and American democracy—which, as is evident, has been their primary goal from the first. Certainly one major reason for the Korean war was to provide an excuse to speed up (expedite) their war against the people of America.

Can any intelligent person believe that—in L. A. County, for example—where there is almost official immunity guaranteed any cop who kills a Negro or Mexican, the Board of Supervisors is "defending Americanism" and serving you and me by passing laws (in secret) to prevent us from thinking and holding free elections?

Who Do They Think They Are?

Dare they tell free Americans that it is illegal to speak and write and vote freely? Do they believe that they are above criticism—that the criticism of a Jessup who urges the killing of our youth is unpatriotic? This is the disease of dictators!

Our reply is: Just as we refused to collaborate with German and Japanese and Italian fascists in the last war, we will continue to defend America by refusing to collaborate with American fascists!

[fol. 259] The Minorities And The Majority

It must be one of the major ironies of history that in the U. S. A., the democratic nation in which the minorities have always been considered "inferior" by the majority, it is the members of the embattled minorities who are the most active fighters for democracy.

It is the Americans of Negro, Jewish, Mexican, Slav, Irish parentage—and all such—who will save democracy. For the members of the "superior" white majority seem to have given up the fight with little struggle, and are accommodating themselves to creeping fascism.

It is the Americans whom bigoted neighbors have for generations subjected to violent discrimination, prevented from living full lives in dignity, and to whom they have brutally denied the opportunity of contributing their utmost to our nation's growth—who are now safeguarding that nation and who will, in the process, save the lives of many of their *prescutors*.

This, of course, has been true in a measure since America was founded—from the day of Crispus Attucks to Harriet Tubman to Paul Robeson. It is symbolized in the lives of a Justice Brandies and a Congressman Marcantonio. It is dramatized by the lives of the nameless millions who thru the years have cleared our forests, built our industries, created our culture, and fought our wars.

We're For Peace

What brings this forcibly to our attention now is the participation of our minority Americans in the fight for peace. In Los Angeles, for example, wherever you go, it is we of the minorities who are in the forefront circulating the petitions and speaking up for peace. It is in the *the* minority neighborhoods that the men and women, young and old, are readiest to sign the petitions. They are not afraid. But in the "superior" white neighborhoods too many of the people shy away from the peace campaign as from the plague.

In every sector of the home front's struggle—be it a battle for FEPC or the life of Willie McGee, a fight against the Mundt-Nixon bills or for democratic trade unionism and a people's political party—it is the belittled citizens who are the better citizens. We of the minorities are the first and boldest fighters for the welfare of our nation.

And bravest of the brave are our women. Victims of the threefold curse—exploited in this society as women, as workers, as minority people—they are the outstanding leaders, the tireless soldiers in the ranks, the wisest counsellors in our democratic people's army. The role of their women in the Negroes' never-ending fight for liberation is a prime illustration of this. It is to our women that we and the world will owe our victory.

We'll Save The Peace

Yes, to us of the minorities has fallen the task again of defending and strengthening the democratic foundations of our land. That is the fact—the reasons for it can be discussed another time.

The term 'minority' in this situation is really inaccurate. For the 'superior' whites (compared with the total in our minorities) are no more the true majority in the U.S. than they are in the U.N.—where, it is pertinent to note, a majority of votes in the Security Council "legalized" the intervention in Korea.

The vote of the Norwegian representative (of only three million Norwegians) who favors bloody intervention is considered equal to that of the Soviet delegate (representing 212 million people) who opposes the intervention. The USSR, India and China, comprising half the population of the world, have less than 10 per cent of the votes in the U.N. That is why the U.N., formed to speak for and defend all nations, could be turned into a weapon for global white supremacy.

Yes, all over the world we are setting an example to the "upper" classes in all the elements of decency, honor, wisdom and courage. Everywhere we are exposing the hollowness of white "superiority"—the centuries-old lie in the domination of the white "majority."

The inescapable outcome, of course, is that we of the minorities are becoming the majority in fact, the majority

in power—as we have been the majority in numbers. We will inherit the great world we have built.

[fol. 260] WHAT'S WRONG WITH PEACE? August 25, 1950

Has American history ever witnessed a more immoral episode than the directed attacks on the campaign for peace?

There have been other periods when those in control of our nation have sunk to the most hellish depths of infamy—for example, in their support of slavery and in their betrayal of the freed slaves during Reconstruction days—but never a more immoral period than now when they want to make peace itself un-American.

In H. (for Hoover) Truman's "Christian nation" the Prince of Peace, the founder of Christianity, would be jailed for treason.

Such a hate-filled war on peace and brotherhood could be engineered only by those who have lost all faith in their fellowmen and democracy, who have lost all civilized attributes, who have ceased to be human beings. They have become beasts. They are fascists.

The bi-partisan smearing of the peace campaign, abetted by those who have pretended to moral leadership in our land—yea, even the Federal Council of Churches of Christ, the Synagogue Council of America, the National Catholic Welfare Conference—and have Judas-like betrayed our trust, is of course an inevitable development of the cold war.

We can see that the silencing of the liberal voices on the air, in the press and movies, the jailing of trade unionists and leaders of the Communist Party, were necessary to the bi-partisans to kill opposition to their war drive. Now they want to crush those who still have not been intimidated.

A government which commits itself to a domestic and foreign policy based on brute force—material power and an assumed monopoly of atom bombs—will inevitably try to outlaw peace. Now it is attempting to belittle the dangers of its own superweapon in order to prepare us to accept more readily an atomic war.

The very casualness with which government spokesmen and owners of the press and radio are offering us advice on "what to do when the A-bombs fall" is more than horri-

fying. It damns them as forever outside the pale of humanity. They have already given us up for lost . . . !

PEACE IS GOOD FOR PEOPLE

Why don't they work as hard for peace? What have the people of America to fear from peace? Would peace destroy our sons and our cities? Would it deprive us of homes and jobs? Would it make the lives of our Negro and Jewish and other minorities more insecure? Is it not clear that the best and highest form of Americanism today is to campaign for peace?

The peace-haters say they would favor peace, if it were an "American peace"—and they damn the present peace campaign as "Communist inspired." While we're not aware that peace too has become a Wall Street monopoly, and it is difficult to understand that there can be an American peace different and separate from world peace, we must answer them with: So what!

While the facts show simply that a group of freedom loving men and women gathered in Stockholm to initiate the peace campaign, and needed no orders from Moscow to love peace—we must assert: So what! What if the Soviet delegates participated in that conference? Does that make peace unclean? If the Soviet leaders want peace, must America's officials automatically react with war?

If our leaders are so concerned about the USSR's support of such movements, why wasn't the world peace campaign American-inspired? What a wonderful thing this could be! Wouldn't it be a more certain way to win us moral leadership of the free peoples than to arm their oppressors everywhere, imprison our best minds, and call on our youth to form an "army of killers?"

So what if the Communists prefer peace! We want peace too—and the more who demand it the surer we are of getting it! We're sick of this national insanity which dictates that we don't dare do a decent thing if the Soviets are doing it—or if we do such a thing we must justify it by claiming it will help "stop those —— Russians!"

We reject this suicidal corruption of the American way of life. We reject this phony Americanism which can stom-

ach the police slaying of Negroes and the freeing of Nazis for "good behavior" while inspiring force and violence against good Americans who work for peace.

[fol. 261] NEW CRUSADERS

We charge the haters of peace with Satanic sacrilege in declaring—as does a Drew Pearson—that our drive to war, our creation of another Spanish tragedy in Korea, is the American way of practising the teachings of Christ, a new crusade.

We proudly claim that it is we who circulate the petitions and speak up for peace who are the new crusaders. We boldly join with the 260 million good men and women all over the world who have already signed the peace pledge. For ours is the way of life . . . and in the spirit of the faith which the killers of peace betray, we promise:

They shall not be forgiven
For they know what they do!

ACCOMPLISH YOUR MISSION!
SIGN THE PEACE PETITION!

[fol. 262] SUCH A VICTORY! August 11, 1950

The boastful accounts of U. S. "victories" over the USSR in the current United Nations meetings reminds one of the French general who lamented, after one of his country's wars—which France won, but lost much of her manpower and resources in the process: "Another such victory and France will be no more."

The press reports that the U. S. "stole a march on the Russians" by proposing condemnation of North Korea as the first item on the agenda—that this was "calculated to provoke the Russians"—that this move had the "obvious purpose of putting Russia on the defensive . . ." When the Soviet's effort to expel Chiang Kai-Shek's hatchet-man was defeated, we are told that "The Soviet delegate took his defeat calmly."

One may well ask, Who was defeated in this action? Was it Mr. Malik who sought to obtain representation in the UN for the Chinese Republic, which must be seated sooner

or later? Or, was it Mr. Austin who used American power to defend the Chinese traitors, whom his own State Department has damned as corrupt and undemocratic?

Whose action was calculated to uphold the charter of the UN and save it as an instrument for peace and justice? Malik's, who urged the admission of the new China so as to rebuild the only kind of UN which can achieve a constructive solution to the Korean tragedy? Or Austin's, who fought to perpetuate the dishonesty and illegality of the UN's conspiracy in Korea?

Sense of Guilt?

Why didn't the American representative answer Malik's charge that we are guilty of aggression in Korea? Surely this charge reflects on our honor and should have been met as least as bravely as Austin defended the murderer Chiang. Some people may think that all this argument over the agenda and Chiang was a diversion to keep from answering that charge. And others will wonder if the calculated efforts to provoke the Soviet Union is the best way to prove the sincerity of our professed aims in Korea.

What kind of satisfaction or moral prestige can we derive from a purchased parliamentary victory? Our paid clique can give us majority votes from now till doomsday—but the people whom they are supposed to represent will not. It will be doomsday for our planners if they build their policies on any contrary assumptions.

What is it we are so hotly defending in Korea anyway? Our officials say it's the South Korean government, "a truly democratic government" in the eyes of the bi-partisans who built it. (Gov. Warren says it's really Russia we're fighting in Korea.) But the South Korean government was defeated in the election held just a month before it provoked civil war. Syngman Rhee's party got just 22 seats (11%) out of a total of 209 in the Congress. This despite Rhee's use of troops and terror and arresting opposition candidates.

If it's not the government we're defending, then it must be the Korean people. But, can we say we're defending them when they so decisively rejected the Rhee gang (consisting of traitors and Japanese collaborators) which we foisted upon them? The refusal of the vaunted South Korean army

to fight and the widespread resentment against our intervention in their civil war gives us the answer.

The Simple Truth

We are left fighting the Korean people—with the arrogance of the white supremecists. We are fighting a people with a recorded history of 4000 years—who used moving metal type for printing 50 years before Gutenberg, who built iron-clad ships 300 years before we made the Monitor and Merrimac. These people our laws say are unfit to become American citizens—and we claim we are at war to defend their liberties.

The simple truth is that this Christian nation (as Truman describes it) is trying to take up the unholy "white man's burden" which the British, French and Dutch tyrants are no longer able to carry. This is a futile effort to reverse the course of history.

[fol. 263] That this is the purpose of our Korean gamble is proved by Truman's original orders to intervene in Formosa (which even the British are objecting to). It is proved by the announcement that "The U. S. has decided to give full diplomatic support to Nationalist China"—which the U.P. dispatch calls "a diplomatic about-face." And it is proved again by the press trial balloons on August 5 stating that MacArthur believes that "American efforts in Korea will be useless unless the U. S. is ready to meet the Communist challenge everywhere else in Asia . . ."

This time MacArthur isn't just shooting his mouth off. Are we prepared to go to war with 450 million Chinese, the 80 millions in Indo-China, the many millions more throughout Asia? Is the United States prepared to take on all the colored peoples of the earth—who constitute two-thirds of mankind? Has the slave-holding mentality of the South become the basis of America's foreign policy as well as its domestic scourge?

What madness is this. Do our Forrestals in the government think they will succeed where all other tyrants have failed—even with their atom bombs? Do they think that the oppressed millions, who at last are building a better life for themselves, will welcome us, will welcome a new op-

pression? They will fight. And the lessons of history show that we would lose.

Surely, the energy and lives and resources which we are expanding in this Asian adventure are worthy of a far more honorable cause than the evil Chiangs and Rhees and the white man's ancient curse.

[fol. 264] LOTS OF PLOTS June 4, 1950

Contempt for the intelligence of their countrymen is a characteristic of fascists everywhere. Arrogant with the power they derive from control of the nation's economy and government machinery, especially the police and armed forces, they feel that the people can be cowed into accepting the rulers' ideas and evaluations of every situation—as well as their standards of conduct.

The rulers come to believe their own propaganda about their infallibility. Drunk with a sense of superiority, they assume that we will accept their words and opinions as gospel truth because they utter them. They think their power alone is enough to convince and lead the people, that they don't have to be concerned about logic or elementary honesty or fair-play.

Nothing proves this so strikingly as their desperate attempts to discover plots, any kind of plots, anywhere, to "justify" their cold-war preparations and hot war maneuvers. Let us look at only a half-dozen of the more recent ones—each an insult to our intelligence and evidence of their moral bankruptcy.

Plot No. 1

The efforts of decent Americans to eliminate Jimcrow and second-class citizenship and correct the injustices heaped on the Scottsboro boys and the Willie McGees are nothing but Communist plots to discredit the American way of life—to create issues so that the Communists can appear as defenders of democracy.

Another version of this one is that in resisting storm-trooper attacks—as in protecting Paul Robeson at Peekskill—the responsible citizens there were incited by the Reds (who really "planned the attacks in the first place") because they wanted to become bloodied martyrs.

Plot No. 2

The momentous world-wide peace campaign is an "insidious Red plot to soften up Americans, so as to leave us defenseless in the face of an imminent invasion by the Reds." (In history's book the Washington-inspired campaign to discredit the global peace movement will be recorded as one of history's most immoral acts.)

According to the hot-warriors, the response to the peace drive couldn't possibly be an expression of the people's longing for peace and life. The bi-partisans' counter-attacks couldn't possibly be motivated by fear of peace sentiment at a time when they want war.

Plot No. 3

Whenever Washington, Wall Street and Winchell want to sink more billions into armaments they can find convenient plots to generate a war scare—Soviet subs in the Los Angeles River, Soviet schemes to blow up the Panama Canal or to invade Iran or steal our atomic "secrets." This couldn't possibly be an effort to bolster our sagging economy or equip us for foreign gambles.

Plot No. 4

"Red Imperialism" is ceaslessly expanding, threatening to engulf the earth—which explains why the USA now dominates with guns and ships and dollars more areas and bases and ports around the globe than any nation in history. We are protecting these places from the Soviets—without a thought of exploiting their natural resources or their people.

An extension of this plot is the charge that the efforts of colonial peoples in Korea, throughout Asia, Africa, South America, to free themselves is directed by Moscow—and couldn't possibly arise from the desire of these oppressed men and women to liberate themselves, as American colonials did in 1776.

Plot No. 5

The USSR is forcing the USA to spend billions for armaments for itself and to arm the world's reactionaries

in a deep-laid scheme to bankrupt America. (You figure this one out!) Innocent, powerless, bi-partisans! All their actions merely reactions to moves dictated in the Kremlin. We have no initiative, no freedom of action, no foreign policy of our own.

Plot No. 6

There is a dark plot to overthrow the government of the United States. So the leaders of the Communist Party of America are imprisoned, along with many other Americans (whose numbers will increase) who don't agree that the bi-partisans are the wisest, most honorable, most patriotic Americans. The jailings couldn't possibly be due to the fascists' frantic fears of permitting any open opposition to their plans, to their fear of Americans learning the truth.

FOR ONCE THE BI-PARTISANS ARE RIGHT. THERE IS A PLOT TO OVERTHROW THE CONSTITUTION AND GOVERNMENT OF THE UNITED STATES BUT IT ISN'T THE JAILED AMERICANS WHO ARE THE PLOTTERS . . . . . .

[fol. 265] The Greater Loyalty July 28, 1950

Always in a testing time the timid fall away. It is easier for them, at times such as the present, to seek the seeming safety of silence than to continue fighting for their principles. To be silent is easier than to buck the hysteria and threats of evil men in power.

As such times the faint-hearted grasp eagerly at the thinnest thread of plausibility or "legality" in the arguments of America's quislings in order to justify their own abandonment of the obligations which American citizenship and humanity place upon them.

It is a sad spectacle to see them, now that the cold war has become hot, rushing in to support Truman's intervention in Korea with the argument that the concept "My country right or wrong" takes precedence over any moral or ethical obligation.

Or, if they still cannot stomach the Potomac Pilates, they seize upon the claim that since the castrated UN sprinkled the blessed water of its endorsement on the Korean adven-

ture, then falsehood is truth. They convince themselves that thus their own transgression is sanctified—and they don't have to think or feel any more.

To consider loyalty to America as identical with loyalty to Truman, Dulles & U. S. Steel is, to me, the ultimate in sacrilege. Truman, Dulles & U. S. Steel—saboteurs of Americans' constitutional liberties, of peoples' self-government everywhere, of the hopes promised mankind by victory in the last war! Lynchers of Americans and engineers of the doctrine of guns over butter!

Is this what America means today?

It is significant that Truman & Dulles are leading religionists, who insist that ours is a Christian nation—tho the Constitution says otherwise. Both repeatedly proclaim their religious convictions—and just as frequently violate them. They use appeals to religion to camouflage their sins.

The other day Holy Harry told the Baptist World Congress: "The nations of the world . . . cannot survive materially unless redeemed spiritually . . . what we need today is a revival of religion and a rededication of this nation . . . to the undying truths of the Christian religion."

This from a man who loves not his fellowmen but threatens them with atomic hell, who is violating our Constitution and the sanctity of our homes by sending our sons to death in an inhuman gamble!

Is this hypocrisy Americanism today, or "Christian truth?" Or is it serving Mammon and Moloch? Can any sane person be "loyal" to such men, such sinfulness?

Loyalty to America, in my opinion, has always meant adherence to the basic principles of our Constitution and Declaration of Independence—not loyalty to any man or group of men. Loyalty to America means belief in and militant support of her noble ideals and the faith of her people. Loyalty to America today, therefore, must mean opposition to those who are betraying our country's traditions, who are squandering her manpower, her honor and her riches.

Would it not be greater loyalty to America today to call for the expenditure of $10½ billion to make schools and homes and hospitals and jobs for Americans than to waste it in foreign intervention?

To embrace the doctrine of loyalty to a current pack of

office-holders as a means of saving one's self is to repeat the suicidal conduct of those Germans who refused to oppose the Nazi drive to power. They claimed that since the Hitler government was the government of Germany, whatever it decreed was "legal" and therefore a German citizen had to obey.

While in Germany during the last war, I knew a German radio technician who told me one day: "You Americans should have come here ten years ago—to save us." I asked "What did you do to save yourselves?" He muttered "What could we do? The Nazis killed everyone who protested." At which I exclaimed "They killed many of you anyway—and for what? If you'd fought back, more of you would have lived, and you might have stopped Hitler and prevented the war." He just shrugged.

[fol. 266] Will Americans talk like that German, ten years from today—or five? Who will come to save us?

Certainly it is harder to fight back than to be silent. (Did anyone ever promise you that being a good citizen is easy?) Whatever silence or collaboration gains is only fool's gold. For there is no real security in either.

Today you may get by just for keeping silent. But tomorrow you will feel impelled to extol the Bi-partisans' program. And the next day you will be forced to give material evidence of your affection. And the day after that you will have to join in their war against the American people—or you will pay the full price too, along with others who wouldn't kowtow to them in the first place.

No democratic American can be safe today unless we are all safe. Only if all men and women of goodwill stick together bravely will our nation be secure. To fight the Bi-partisans' program today is the highest test of loyalty to America.

They can't jail us all. They may succeed in driving many of the best Americans into exile—to form, on a friendlier soil, a government-in-exile for a Free America. But this will not happen if we fight back now . . . as heroically as Americans fought the British and their Tories in our first revolution . . . as boldly as Americans fought the slaveholders and their Copperheads in our second revolution . . .

[fol. 267] IF I WERE PRESIDENT July 21, 1950

Every American, they say, can aspire to the Presidency. We know this isn't true—but, we have all hoped, at some time or other, that it would come true for us, if only for a little while. Then we'd "show 'em!"

If I were president, this is the program I would urge upon the people and the Congress, at this time—in the conviction that it would meet the needs of all Americans and enable our nation to make its greatest contribution to the security and peace of the world.

For convenience sake only, the following proposals are divided into "domestic" and "foreign" programs. We know there is no fundamental difference between the two: they are simply opposite sides of the same coin. Any government which is reactionary in its foreign policies (as is the Truman administration in Korea) cannot be progressive in its treatment of Americans at home (observe the repeated double-cross on FEPC.). A government which truly serves the welfare of its own people will be furthering the welfare of all nations and world peace.

Domestic Program

1. *Immediate 25% wage increase, and one dollar minimum wage, in all industries.*

An average raise of 25c an hour would pump $19 billion in purchasing power into our sick economy. This would lead to increased demand, more production—and about 4 million new jobs. This raise would have to come out of profits, and would leave the corporations piling up profits at the pre-war rate.

2. *Pass FEPC!*

3. *Thirty-hour week with no reduction in pay.*

This is urgent today, with about 10 million workers wholly and partially unemployed, with the great increase in workers' productivity, and with the soaring profits being created by the workers' eight hours in the factories.

4. *Repeal Taft-Hartley!*

5. *End inhuman speed-ups in the factories.*

Workers must be given a more responsible share in the management of industry. Didn't the labor-management committees during the war prove the great value of this?

6. *Restore and increase veterans 52-20 allowances.*

7. *Immediate rent freeze.*

Restore rent control to areas already decontrolled, and make it more effective.

8. *Liberalize all relief allowances.*

9. *Expand the social security programs.*

Increase unemployment insurance to at least $40 weekly nationally, to last as long as the worker is unemployed. Extend its coverage to all workers. Ten year hospital construction program. Increased federal aid to education. Such a program would of itself raise the living standards of millions of Americans—and make more jobs.

Help Workers and Farmers

10. *Help the small farmers with such measures as the Brannon Plan.*

Distribute surplus foods to the needy. Stop the profiteering of the food trusts.

11. *Help the migratory workers.*

Establish minimum wages, regulate their contractors, extend workmen's compensation and the social security laws to cover them, Etc.

12. *Eliminate the whole "loyalty oath" and witch-hunting programs.*

Pass civil rights laws—and use the federal troops if necessary to enforce them. If we can send the U.S. Army and airforce to Korea to "save their freedom," why not use our forces to ensure freedom for Americans?

13. *A vast public works program.*

Two million homes a year. Slum clearance. Regional planning authorities in all the major river valleys (like TVA). Flood control, etc. Highway improvements alone would furnish 950,000 jobs for ten years. The production and marketing of goods purchased by the people so employed would provide over one million jobs for ten years.

[fol. 267a] 14. *Develop atomic energy for peaceful purposes (No A or H bombs!)*

Atomic power could lower the tops of mountain barriers which prevent the passage of rain clouds—and thus make fertile millions of desert acres in California and all the West.

15. *Break monopoly control of America's economy and political life.*

Nationalize the public utilities, steel and armaments industries. Eliminate withholding taxes on all incomes of less than $5000 yearly, and increase taxes on large profits.

16. *Stop the militarization of our nation.*

Remove the military from civilian and diplomatic posts. Reduce the arms budget. No peacetime conscription.

FOREIGN PROGRAM

17. *Stop the cold-hot war.*

Settle the differences between the USA and USSR—the key problem of our time.

18. *Strengthen the United Nations.*

19. *Recognize the New China and establish trade relations.*

Stop trying to weld it into an instrument of U.S. world domination. Withdraw our forces from Korea. Cancel the Marshall Plans, the N. Atlantic Pacts, etc. If we really want to raise the world's living standards, let's do so through the UN.

This trade—and renewed trade with the Soviet Union and Eastern Europe—will create about 3 million jobs for us.

20. *Prevent the remilitarization of Germany and Japan.*

21. *Stop subsidizing reaction all over the globe.*

Let's help the growth of democratic people's movements, instead of trying to throttle them. Let American democracy support world democracy.

Such a program, it is true, would cost us billions of dollars—which would be an investment in our security and world peace. We are wasting billions in foreign adventures and armaments—and what are we, the people, getting out of it? More dead sons and sacrifices?

What is it worth to us to have a secure America in a world at peace?

Free Lawson, Trumbo, Dennis, Fast
or this year of freedom may be your last!

Write the President!

[fol. 268] IN HONOR OF THE AMERICAN REVOLUTION July 14, 1950

On July 4th—in 1776—the American people concluded a successful revolution against their British oppressors, and adopted a ringing Declaration of Independence which proclaimed for all ages ". . . Whenever any form of government becomes destructive to these ends, it is the right of the people to alter or abolish it and institute new governments."

On July 4th—in 1950—the inheritors of this glorious legacy were dying 5000 miles from America, in an effort to prevent the Korean people from achieving their revolution and their independence.

American troops were being used as the British used their Hessian mercenaries against us—in an open and doomed scheme to delay the inevitable liberation of a long-suffering nation, whose cause is just. (And irony of ironies, the land of jimcrow is using colored troops to shoot down other colored folk seeking their freedom!)

The Koreans have been fighting for their liberty for generations—against the hated Japanese tyrants and their own traitors, and now they must fight again, against the

Americans who came into their land as liberators! The Korean Independence News asserts: "Inflation, starvation and bankruptcy of the people, coupled with corruption and tyranny of the Syngman Rhee regime, have driven the entire people to the brink of revolution."

By their actions in Korea the officials of our nation—born in revolution—are denying another people the same right to revolt we claimed for ourselves and which our great men have declared to be the great tradition of democracy.

By their actions in Korea, U. S. officials have forfeited all right to our trust. They are deceiving and misleading us:

1) It is now clear that the war in Korea came as no surprise to Washington. At this late date we are told that for many months, and as late as one week before the S. Koreans launched their attack, the Korean People's Democratic Republic (with headquarters in N. Korea) made comprehensive offers for peaceful unification of the country.

2) The United Press reports from Washington that "The day-by-day widening of the scope and intensity of the American effort in Korea is arousing criticism here and elsewhere that Truman is withholding from the public available facts of the situation."

3) The Chicago Sun-Times claimed on June 30th that the Korean war was used by the Truman Administration to initiate an open policy of "armed intervention in the Pacific." This has not been denied.

4) On July 10th it is reported that the sensitive Truman may send to Congress "a plan for a new propaganda war against Russia to offset the Soviets' claim that U. S. aid in Korea is 'imperialist aggression'."

5) One day Truman told his press conference that there was no present need to mobilize the organized reserves. The very next day he authorized the armed services to draft men . . .

The Korean Gamble

So—Gambler Truman's bluff has been called and his play to "drive a bunch of bandits" from tiny Korea has developed into a war requiring the mobilization of a mighty nation's manpower and resources. What shame. What dis-

honor! If this doesn't turn out to be the great deception of the 20th century, it won't be far from it.

Historians will be amazed that the evil men who engineered this fraud were not impeached and driven from public life!

By initiating the policy of "armed intervention in the Pacific" American officials are betraying the best interests of their own nation as well as violating our solemn pledges during World War II to allow all peoples the right to set up governments of their own choosing.

All the Pentagon brass and Wall Street gold cannot prevent much longer the age-old need of the colored peoples—including our own—for security, freedom and justice. All the White House satellites and Yankee guns cannot much longer prevent the historically-necessary drive of the earth's oppressed—including America's Negroes—for land and bread and dignity.

[fol. 269] To try to reverse history is an ignoble as well as hopeless madness—as we should have learned in China. A fate similar to ours in China will strike us sooner or later in Korea, and wherever else we try it.

Above all, it seems to me, the Korean gamble exposes the complete bankruptcy of the Republican-Democrat cold war program. We were promised that the cold war would bring America universal moral leadership, would economically reconstruct Europe, would bring peace to the world. We have been deceived on all points. How can any reasonable person now have confidence in these misleaders?

Now that their policies have proved to be total failures, the bi-partisans try frantically to cover-up their treasonous incompetence and find scape-goats on whom to divert the wrath of Americans.

They can't give us jobs, so they offer us guns. They can't give us homes, so they offer us caves. They can't give us life, so they offer us death.

They hope to solve our inevitable economic crisis with a new war. (Did you read about the stock market falling at the mere suggestion there might be a peaceful solution in Korea?) But this time the drug of war won't work so well. It's been tried too often—and the crises are coming more rapidly and will last longer.

PROGRAM FOR PEACE

The only course for us all is to fight for peace even more selflessly than we did for survival in the last war. Sign the peace petitions. Get others to sign them. Write to the President. Get others to write.

Let us demand that Truman and the Congressmen—our servants, not our masters—drop at once their suicidal course and adopt one that is in America's interests. Demand of the President and Congress that we immediately:

1. *Remove all our forces from Korea.*
2. *Make it possible for the UN to function legally by agreeing to the admission of the new Government of China.*
3. *Arrange top-level discussions between the U.S.A. and U.S.S.R.*
4. *Agree to outlawing all atomic weapons.*

We must act now—or our own children, if they survive, will hate us for not having had the courage to safeguard their future. If we don't act for peace, our children will hate us because in exchange for all the wondrous promises of the American Revolution we will have left them only an atomized wasteland.

[fol. 270] TRUMAN, TELL THE TRUTH! July 7, 1950

Why are Americans dying in Korea?

That is 5000 miles from the USA, though on the very doorstep of China and the Soviet Union. What business have our troops there? Why are we at war?

Since the sole source of information about the outbreak of hostilities comes from the North and South Koreans—both of whom charge the other with provoking the conflict—dare we assume the S. Koreans are right? Isn't there at least an equal chance the other side is telling the truth? It was solely on the basis of the S. Korean stories you demanded action and the UN acted.

Is it possible the S. Koreans created the incident to bring in outside help for saving its tottering government—one that is as hated by the people as were the Japanese overlords? It is the S. Koreans who have been making war

threats, not the N. Koreans, especially since Syngman Rhee and his gang virtually lost the election in May 1950.

Impartial observers, reporting the corruption and oppression of the Rhee government, declare that it is a puppet of ours if ever there was one. Do you think it would dare to make a war-like move without prior approval of your administration? Can it be that Dulles, Johnson and Bradley, who conferred with them just before the battle began, gave pledges of US support? Is it a coincidence they were there at the time?

By what authority did you plunge us into war? Did you not exceed your constitutional powers? We've been taught that only Congress can declare war. When the U.S. agreed to the UN charter we didn't agree that it would supplant our constitution. Therefore, even a legal act of the UN doesn't take away Congress' exclusive right to declare war, does it?

Can you claim you're acting under UN authority when the charter declares that the Big 5 on the security council must vote unanimously to make an action binding? The Big 5 weren't together on this, were they—not with the USSR absent and Chiang's Formosan henchman presuming to speak for 40 million Chinese?

Is it not going to seem odd to many people that in this case we desperately drape the mantle of the UN around us—while we ignored the UN when it suited our purpose, in Greece, in N. Atlantic Pacts, in Marshall Plan maneuvers?

Tell us the truth, Mr. President!

How do your ceaseless edicts that the Soviet Union is an aggressor threatening Western civilization, and solely to blame for lack of peace, jibe with reports that you took the "gamble" of intervening in Korea because you figured Russia would not go to war? These aren't poker chips you're gambling with but my children's lives and bodies!

You- associates freely confess their great relief that Russia and China have'nt reacted to this provocation with military force—of which they have considerable. If Russian troops and planes intervened in a Mexican or Canadian civil war would your administration be as calm and sane as the Russians in the present situation?

Rememberest thou the insanity of Forrestal—when he

ran down the street yelling the Russians had landed? (They're no more in evidence this time, are they?) Will not people wonder—if it could happen to the Secretary of Defense it could be happening to other government officials, and ask if a similar madness does indeed possess them now, which could lead the nation to destruction as it lead Forrestal?

What answer have you to the Russian charge that the U.S. is guilty of "a direct act of aggression?" In view of the iron curtain on news from N. Korea isn't it as reasonable to accept the Soviet version as Washington's?

Should we learn later that there is some basis to this charge, Acheson's claim that what happened in Korea is "the most cynical, brutal, naked, unprovoked ag-ression that could ever occur" will certainly be true. But Secretary Johnson's boast that your actions represent "the finest hour in American history to date" will hardly be the verdict of honest men or history, will it?

Americans have a right to demand the truth of their president!

If it is true, as you assert, that "we are not at war . . . we're just driving out a bunch of bandits who've invaded Korea," why did you order our armed forces to intervene in Formosa and Viet-Nam? Didn't you promise we'd no longer help that bandit Chiang?

[fol. 271] Since Formosa is as integral a part of China as Staten Island is of the USA, isn't your order a declaration of war against the Chinese republic too? And isn't it intervention in Viet-Nam's civil war? (Will Americans be dying there next?) If we're capable of intervening in one civil war, might it not be assumed that is what we're doing in Korea?

What truth is there to reports that Chiang and the U. S. have a secret pact calling for the invasion of the Chinese mainland by American and Japanese troops? Could your Korean "gamble" be the prelude to a vast plan for thwarting liberation movements throughout Asia, and Africa?

Is it conceivable, Mr. President, that your Korean adventure is the American version of the Reichstag Fire?

When we recall how convenient that fire was for the Nazis, disturbing parallels strike the mind, do they not?

Already the fascist Mundt-Nixon bill is being pressed again, Congress appears likely to give you billions more in arms, and we're told that you have "ready for submission to Congress in case war results from the present Korean situation . . . a war powers act more extreme than any the U.S. has ever had . . . said to make the President a virtual dictator."

How convenient a "counter-attack" the Korean war is against the growing peace forces in this country and the world against Trygvie Lie's peace mission. How convenient a stroke it is for getting people's minds off grave unemployment, the jailing of political dissenters, the legal lynchings of our Negroes, the death of freedom of schools—the failures of your administration to meet our nation's needs.

In another war your reward to Americans for their victory over fascism's forces only five years ago? Will the cold war against the people of America become a hot one?

For your sake, for America's sake, for the sake of mankind—Truman, tell the truth!

[fol. 272] EDUCATION FOR ——? June 30, 1950

June 23, 1950 will go down as one of the blackest days in the history of American Education. This is the day the University of California regents fired 157 teachers and other personnel for refusing to bow before them and permit the regents to decapitate their birthright.

There have been attacks on our schools before—since the reactionaries have not really wanted the people's children educated. But never such a wholesale massacre. Teachers are being fired for teaching. Their salaries are a national disgrace.

School buildings and equipment throughout the nation have long been in miserable condition. Classrooms are grievously overcrowded. But a Congress and administration which appropriates almost 80% of our national budget for war purposes can not find one penny for education.

Obviously in a country being regimented it is dangerous to permit freedom of thinking and teaching. Chancellor Robert M. Hutchins of the University of Chicago asserts: "The miasma of thought control that is now spreading over

the country is the greatest menace to the U.S. since Hitler.'' And Harvard's Dr. Kirtley Mather comments that the attacks on our educational systems are ''ominously reminiscent of the techniques used by Hitler in the first years of his Nazi regime . . .''

Who are these regents who set themselves up as arbiters of who is fit to teach and what our children may learn and think?

A Gianinni—whose family and bank have long been identified with Mussolini and his program. A John F. Neylan—long the attorney for the un-American Hearst. An Earl Warren—front for all that is reactionary in our state and nation.

Can any intelligent individual believe that persons such as these, who control our schools, will permit the schools to prepare our children to become the informed and articulate defenders of democracy—which the safeguarding of our country and our lives demands?

Three years ago there was published an important study entitled ''Men Who Control Our Universities'' by H. P. Beck. In analyzing the background of the 734 trustees of the 30 leading American universities, he found that not one of them was a Negro, not one was a worker, only 3.4% were women, only 1% were farmers, only 36 of the total were educators—while the largest number were directors and executives of big business and high finance.

These are the rulers—the school boards who are trying to cover up the wretched conditions of our schools by intimidating the teachers. These are the kind of men who are making certain that—in the words of Prof. J. J. DeBoer of Illinois—''The drive against free teaching today is being coordinated with the drive to world war.''

This is evident too in the increasing militarization of our schools . . . in the transformation of generals and jingoists into college presidents, in the emphasis on ROTC, in the growing dependence of the universities on the military funds brought in by contracts for ''military science research.''

It is inevitable, of course, that if we permit this situation to continue, the best teachers, the most principled and courageous ones will be driven from our schools . . . com-

pelled to seek refuge in other lands, as was the case under Hitler.

It is inevitable too that if this madness persists the school authorities will demand that students sign "loyalty oaths." The lofty regents will take to deciding which of our children are "fit" to attend their pasteurized institutions. Or, they might compromise on special benches for the "untouchables."

The fact that the cold war has hit our classrooms—and the minds of our children—is a crime so far reaching that it is almost impossible to comprehend it. But what is more frightening is the equally obvious fact that there is almost no protest from anyone—from our civic and cultural leaders, or the parents!

[fol. 273] We Are Not Alone June 23, 1950

Every medium of communication today is a weapon directed against the people of America by the cold warriors. All the newspapers, magazines, books, movies, radio stations and public speakers (with rare exceptions) are so loaded with hysteria and fear, with lies and threats of war, that we are almost overwhelmed with a sense of doom. We begin to feel American reaction is so powerful that it is almost futile to struggle against it. Which is just what the bi-partisans want.

As an antidote to these poisons we should take stock of the people's strength and their will-to-live. It will do us good to take an inventory of the forces for peace throughout the world. We will then find that we in the USA are not alone in the battle for security and sanity, that the best people in the world are on our side. We will find that it is not the power of fa-cism which is invincible, but the power of the people—which Hitler found out.

1. To begin with, there are the people in the nations irrevocably committed to peace: the 185 millions in the Soviet Union, the 400 millions in China, the millions more in Viet-Nam and all of Southeast Asia.

2. Then there are the stirring millions in the great African continent, the millions in Italy who are fighting for land reform, and the people of the new state of Israel who will serve as a beacon for all the Near East.

3. Humanity is fighting back in many ways: The International Red Cross has called for a banning of atomic weapons. At Blaine, Washington, the youth of the USA and Canada recently set up a peace arch, and pledged their energies to wage peace. Thirty thousand peace committees are at work in Italy, and many more in France. In East Germany over half a million youth staged a mighty peace demonstration (which our provocateurs maligned). In Cuba last month a broad popular coalition was victorious in Havana and other municipal elections.

ACTION ON ALL FRONTS

4. In our own land the burgeoning peace forces are arousing the people, in all sections of our society from the right to the left, from the non-political Quakers (whose peace proposals have had a profound effect) to the Communists (whose fight for the basic rights of all Americans is a force for peace). Three weeks ago at the Mid-Century Peace Conference in Chicago 650 delegates from 33 states, Alaska and Hawaii, made this the broadest grass-roots union of peace forces in a decade.

5. The National Labor Peace Conferences have done effective work, and counteract those who are selling out organized labor. This is true too of the National Conference of Negro Trade Unionists, just concluded in Chicago. A Farmer-Labor Alliance, described as the broadest in history, has been formed in Idaho for the 1950 elections. The Methodist, Lutheran, Unitarian and other church bodies have taken courageous stands for negotiations with the Soviet Union. The wonderful Minute-Women For Peace are expressing the demands of our mothers.

6. The trade unions—such as the ILWU—who refuse to be intimidated lend great strength to our side. So does the Progressive Party, which has already slowed down the timetable of the war-mongers. The ceaseless struggles of the Negro people for liberation make them the single most powerful factor in America for peace. The function of such purposeful minority group organizations as the International Workers Order and the American-Mexican National Association makes them potent allies for democracy. This is true also of the new Union of Progressive Veterans.

7. The world's greatest minds are on our side: Albert

Einstein, Thomas Mann, Nobel Prize winner Niels Bohr, Harvard astronomer Howard Shapely, England's great professors Blackett and Bernal, France's genius Joliot Curie, George Bernard Shaw, Charles Chaplin, Henry Wallace, Dr. W. E. B. DuBois, Paul Robeson, Marion Anderson, Pablo Picasso, Pablo Casals, the Dean of Canterbury—and many more! Whom have the fascists got to match these?

8. The world's response to the peace crusade of Trygve Lie, the United Nation's executive, is surely indicative of mankind's determination to resist annihilation in any third world war. (And yet, when Lie urged Harry Truman to send our Secretary of State to a special meeting of the United Nations Security Council this summer, which he said was necessary to keep the UN from collapsing, our President—according to Drew Pearson—"said he could do no such thing; that it would be a cruel hoax to play on the American people when there is absolutely no chance of agreement with Russia.")

9. Perversely, the inhumanity, crudity and duplicity of the cold warriors is a factor for peace: many people everywhere are being revolted by them—and educated.

[fol. 274] GLOBAL PEACE CONGRESSES

10. The mighty peace congresses in Paris, Wroclaw, Moscow, Peking, Mexico, and New York City, are all dramatic proof that the people are on the move and will not meekly accept the dictat of the international cannibals. The most recent congresses in Australia, Canada and Pakistan show again that the people are mobilizing everywhere.

11. The World Congress of the Partisans of Peace just concluded in Stockholm is, in a sense, the most significant of all, a culmination. Delegates from 52 countries participated. Here was adopted the electric peace pledge which has set in motion the forces which can definitely turn the tide for peace:

> *We demand the unconditional prohibition of the atomic weapon as an instrument of aggression and mass extermination of people, and the establishment of strict international control over the fulfillment of this decision.*

We will regard as a war criminal that government which first uses the atomic weapon against any country.

12. The response to this pledge has aroused the world. The campaign for signatures, which is to be concluded by United Nations Day on October 24th, has already secured 12 million signers in MacArthur's Japan, seven million have signed in Hungary (in a total population of nine million), one million pledges in Brazil, a goal of a million set in Argeentina—and many millions more are signing in the USSR, Algeria, Bombay, Israel, everywhere! The Associated Press reports that "Western observers" are saying the petition "has dangerous potentialities, and at present there is no good counter propaganda to meet it." (None except the realization of peace!)

In the USA the Peace Information Center, under the chairmanship of the eminent Dr. Dubois, has set a goal for five million signatures—500,000 to come from California. Boston has launched a campaign for 100,000 and in Brooklyn 18,000 names were signed in one week-end. Already peace organizations are active in 50 of our cities. (The Progressive Party has urged its members to go all out in this campaign. Why don't the Democrats and Republicans do likewise—or has it become unAmerican to speak for Peace?)

Our inventory (incomplete as it is) shows then, that the forces of peace are strong, that the people are fighting back, with increasing success daily. But there is no room for complacency. Now more than ever we must intensify our efforts to make the peace potential pay off.

As the authoritative observer Johannes Steel asserts: "It is the American tragedy that the motive power behind current American foreign policy in Europe as well as Asia and in Latin America does not admit of any alternative to the cold war. The United States wants to win it, not end it."

Particularly in the face of the great strength of the peace forces on our side, we Americans dare not allow our government to persist in its refusal to make peace. Or our crime will be the greater if a third war comes, greater even

than the guilt of the German people who did not stop the Nazis. History will never forgive us.

From this recognition of the strength of the people we draw inspiration and ammunition. We must go on fighting in the spirit of the Americans at Valley Forge—in the spirit of Vito Marcantonio, who recently declared: "Midnight has ended for the common people of the world. There are dark days ahead, but we will triumph. There may be some dispute as to whom the first half of the twentieth century belonged, but the second half belongs to us!"

[fol. 275] Meaning of The Primary Election
by Raphael Konigsberg June 16, 1950

The highlights of the June 6th primary election were: (1) the large number of congressional and assembly races which were decided in the primaries; (2) Warren's winning over ½ million more votes than Roosevelt; (3) Douglas winning the U. S. Senate nomination; (4) Tenney's victory; and (5) Bernadette Doyle's remarkable race for State Sup't. of Education.

There are ten congressional districts in L. A. County: In five of them the incumbents won reelection. There will be contests in the other five. But, with one exception, it won't make much difference, for the people will not have any real choice. What, for example, is the difference between a Yorty and a Hardy, as in the 14th C.D.

Only in the 20th district, where the reactionary Hinshaw will be opposed by the fighting progressive William Esterman will the voters have a true choice. This may be the case in the 13th C.D. also if the IPP exercises its privilege of naming a candidate in the finals.

What cross-filing does to the people's electoral freedom is even more glaringly revealed in the assembly results. There are 32 assembly districts in L. A. County. In 21 of them the elections were decided in the primaries. There will be contests in only 11 districts.

In but five of these will citizens be able to vote for candidates who represent their interests: I. H. Spears, the IPP candidate in the 47th A. D.; George Cowell in the 59th A. D.;

and in the 56th, 60th and 67th A. D.'s—where the IPP can name candidates.

The pervision of the ballot, brought about by cross-filing, is pointedly illustrated in these results—as in the gubernatorial and senatorial races also. Cross-filing, in effect, disenfranchises many of California's voters.

Bi-partisan Bankruptcy

The June 6 results show not only why cross-filing must be eliminated, but, even more important, they expose the bi-partisan bankruptcy and corruption which convinced the people of the need for a third party, (really a second party.) Progressives have repeatedly charged that there is no longer any essential difference between the Republicans and Democrats—and certainly election results as well as pre-election maneuvers proved this to the hilt.

The contrast between the overwhelming Democratic registration in California and the consistent Republican victories is not so puzzling as it may seem. The voters simply fail to see any important differences between the two "major" parties, and those who want reactionary candidates apparently prefer them 'straight.' The Democratic Party—having destroyed every decent principle FDR tried to instill in it—is a deliberate accomplice in this deception, this crime, against the people.

The election results are further proof of the degeneracy of the Democrats, who quite openly preferred to hand the elections to the Republicans on a silver (or golden) platter rather than accept the support of progressive forces to help elect people's candidates. This is not California Democrats' policy alone: it is their national policy, derived from that little alderman in the big White House. Look what he did for Taft in Ohio.

The People Double-Crossed

The big-partisan double-cross of the people is shockingly revealed in the 14th C.D. Here they consciously sabotaged the aspirations of the Negro people for a congressman of their own. They injected Yorty in the race after the Unity Committee, representing that community, made it unmis-

takably clear that the time had come for the election of a Negro congressman.

Now the people are left with a choice between the unspeakable Yorty and a Hardy who is identified with the worst reactionaries in the country. Such tactics only further alienate the Negroes from the Republicans and Democrats. You just can't keep on betraying people.

The bi-partisan collaboration is exposed further in the dirty scheming which placed the political doodler Boddy in the senatorial race—with the obvious purpose of helping the Republican Nixon win. Boddy was the creature of the Luckey forces, whose spokesman (leader of the official Democrats) declared long before the elections that he preferred a Warren-Nixon ticket.

Does one need further proof of the fact that the Republicans and Democrats are even closer than Siamese twins? Then what about the failure of Luckey's Democrats to support James Roosevelt effectively? And, to top them all, what about the betrayal of all the decent people in the state, and the nation, by their forcing Anderson into the race for State Senator, bringing victory to Tenney?

The Issues Confused

The bi-partisan campaign against Robert W. Kenny—who in the best sense of the American tradition represented the interests of the people against those of their enemies—portrayed in one picture the major evils infecting our political life today.

A clear-cut fight between Kenny and Tenney would have given the voters an opportunity to make a clean choice between the arch representative of American fascism and the American democrat. But this the misleaders of the people could not afford. So they shoved the liberal Anderson into the race to confuse the issues. (For allowing himself to be used in this way Anderson has much to answer.) The Democrats knew they would split the Democratic vote and enable Tenney to win.

This campaign too revealed the evil of cross-filing—and that third major affliction, the disunity of organized labor. The CIO and AFL (bi-partisans also) are tied so closely to the cold-warriors that they would not even campaign against

Taft-Hartley congressmen. They went along with all the tricks that helped their enemies Warren and Nixon and Tenney. Even the progressive unionists did little for Kenny.

The Voters Alerted

A major share of the work for Kenny was done by the Independent Progressive Party—which thus again showed the integrity of its program and membership. Although its members could not vote for Kenny in the primaries, the IPP strove valiantly to arouse the citizenry to an awareness of the basic issues in the campaign.

This contrasts sharply with the studied efforts of the bipartisans to avoid the issues like a plague. A grave error in the Roosevelt and Douglas campaigns was their refusal or inability to courageously discuss the major needs of the people—jobs, peace, civil liberties, etc. Roosevelt and Douglas ducked the issues, went along with their opponents tactics to hide them, instead of forcing their foes to come out in the open on these issues.

What Roosevelt and Douglas might have achieved if they had forced such a fight is strikingly illuminated in the achievement of Bernadette Doyle—who refused to duck any issue, spoke militantly for the people's rights and hopes, and won over 414,000 votes in the state, an all-time record for an avowed Communist. (In L.A. County alone Doyle was given over 268,000 votes, 114,000 more than Kenny.) [fol. 276] It is amusing that in their desperate efforts to obscure the significance of Bernadette Doyle's great vote—and the remarkable showings of Henry Steinberg for County Assessor (58,654 votes) and Walter Martin for Sheriff (40,168 votes)—the presstitute press assumes that those voters were "ignorant." But when these same voters choose reactionary candidates then they are "sound Americans."

Lessons Learned

Analysis of the June 6 primary results points up the following important lessons:

1) The Democrats in California cannot hope to win victories without the support of the progressive forces. The progressives may not be strong enough to win on their own,

but they are strong enough to ensure the defeat of a Democratic candidate by refusing to support him.

2) Roosevelt and Douglas have a chance of winning in the finals only if they fight boldly, without compromise, for the needs of the people—and only if they encourage to the utmost the support of all progressives.

3) The rank and file of organized labor must repudiate the treacherous leadership of their officers and politicos who have sold them out to the enemies of all working people. Union men and women must again take their places in the ranks of those fighting for jobs and peace.

4) The progressive citizens of California—particularly those in the IPP—must carry on an even more intensive fight for the final elections than they did in the primaries. They must mobilize the people to:

(a) Keep the IPP on the ballot and further their party's program;

(b) Unite more Negroes, Mexican-Americans and trade unionists with them in the IPP;

(c) Create the political climate which will persuade the Roosevelts and Douglases to make fighting campaigns—which they will not do if left alone; and

(d) Bring an awareness of the vital issues of the day to all the people to help defeat the leading exponents of fascism, to safeguard American democracy.

[fol. 277] Vote for Your Life - June 5, 1950

Thinking for one's self is not a skill developed in most of us by our schools or encouraged by our society. The task, therefore, of helping ourselves and our neighbors think through the basic issues of world peace and war is quite difficult.

During the war, for example, perhaps the hardest of all assignments given the army political education staff was that of convincing our troops that what we had sacrificed and achieved on the bloody battlefields was not enough—that we had finished only half the job—and that when we returned home we would have to protect our investment in democracy by continuing the same fight as citizens.

What made this assignment especially arduous was the

undeniable fact that too many Americans have almost no conception of the citizen's role in a democratic state.

Most of us live through our allotted years grasping for all the privileges that are ours (or have been) through the accident of American citizenship. But we are not conditioned to any acceptance of the fact that a price must be paid for these privileges. At least, our daily behavior shows little awareness of such a responsibility.

Is it not true that there are few among us who display a real sense of identification with our government? The vast majority of us have been divorced from any feeling of oneness with our state or federal government. We take little of the responsibility for what the government does in our name.

When we think about it at all, we usually think of the government as something apart from and almost alien to ourselves. Many look upon it as "something" which at all costs must be kept from interfering with their personal affairs. To that frightening degree have the rulers of America alienated many Americans from their birthright. To that degree have we been made our own worst enemies.

The depths to which this political perversion has gone can be illustrated in many ways—but in few so shocking as this incident, which occurred in Germany just two days after V-E Day.

One of our army discussion sessions was considering the relationship between a good citizen and his good government (one which was concerned with the welfare of all citizens), when the discussion leader asked:

"When you have seen a need in your community, like a new playground—or a problem, like civic corruption—have you and your friends tried to do anything about it, have you tried to help your government meet the issue?"

Exclaimed one sergeant, "Do! Why should I have done anything for my government? What did my government ever do for me?"

When the discussion which followed attempted to demonstrate that we the people are the government, that in helping our government we were helping ourselves, that we

were doing exactly this as soldiers and would continue doing so as citizens by voting intelligently, this 35-year-old sergeant shouted:

"Vote, hell! I never voted. I don't believe in voting!"

At that the discussion leader exclaimed furiously, "That's treason to everything we and our allies have been fighting for! Millions of people have given their lives for that very right to vote, for a voice in controlling their destiny—and here you are, an American citizen, shamelessly throwing that great prize away!"

"Aw, my vote wouldn't count anyway," he countered.

"He's right, you know," said another soldier, "the individual's vote doesn't count for much when crooked political machines and big business control things as they do. So why should he vote?"

It is clear that those who are responsible for this civic cynicism, the unprincipled politicos and the financial interests whose tools they are, are the real subversive elements in our nation. For they are guilty of destroying the faith of many Americans in the democratic processes upon which our fate depends.

Reaction's success, however, has begun to boomerang. There is a clean, invigorating wind blowing across our land today, a resurgent faith in an aroused citizenry's power. There is a growing confidence in our strength, in the potency of the ballot.

This is evidenced not only in the work of the Progressive Party throughout the nation, but also in the organization of countless workers for peace, in the citizens fighting the Mundt-Nixon bills, in the decent people mobilizing behind Hollywood's ten brave artists.

There is hope in America, and in the world—for all these movements dramatize the growing recognition of the very great power we the people possess in our right to vote. We are learning that our votes can decide whether we and our children will have life, or death.

[fol. 278] THE ONLY WAY TO LIVE June 1, 19

Many is the time that we who are active in the progressive movement have this "charge" hurled at us: "You say you're fighting for the welfare of all people . . . yet you're so busy fighting for others you neglect your own family."

Some who offer this criticism imply that we are hypocrites, since surely, in accord with the philosophy of free enterprise, we should be fighting only for "our own, first and last, and to hell with the other guy." Others protest too much methinks, feeling guilty about their failure to join in the common struggle. Still others are sincere; they deserve an answer.

We active citizens, who devote much of our energies and time to fighting for FEPC, civil rights, economic security, world peace—we love our families as much as any parents, and more than most. That is why we are so active.

We too want to protect our families and insure their material well-being. But we have learned that as long as there is one child who doesn't have security, our own children cannot be safe. It simply is impossible for any one set of parents, by their own efforts, to guarantee their children's life and future—as long as there are parents anywhere whom prejudice and greed prevent from providing a decent standard of living for their families.

We are selfish. We believe that the best way to help our families is to help all families. We love life, our own and those we have created. Cherishing life as we do, we want all human beings to enjoy it to the fullest. Till they do, we can't. We want to safeguard all life.

That is why, for one thing, we joined the democratic armies to fight fascism's forces, which represent death. When we went off to war we weren't accused of neglecting our families. We think we are still in the same fight—that American fascism is as much a danger to our families and country as Nazism.

To be politically inactive now would not be a mark of devotion to our families, but a betrayal of them. Just as any citizen's failure to share in preserving the victory won in the last war is a betrayal of the nation and those who died for it. Poor citizens cannot be good parents.

It isn't that we progressives prefer to be busy with picket-

ing and precinct work. We would very much enjoy spending all our leisure with our families—and we want more leisure to do so. But how can you really enjoy yourself when you know that other families are being prevented from living normal lives? When Negro family life is being destroyed by oppression and lynching? When others are being destroyed by immigration hounds and witch hunters?

We progressives are fighting because we know if we don't stop reaction now there will be no families for us to love and enjoy. Think of how many families fascism and its crematoria consumed!

When there is vital work to be done, a mission in which everyone is needed and each person can make a contribution, how can you refuse to do your part? In a real sense, to do so is to deny the best in you. Such inaction always corrupts.

Certainly this means major sacrifices. We understand, for example, the detrimental ef-ects on our relations with our children deprived of the full attention of their parents. But, think of the Spanish republican parents, the French and Soviet and Chinese partisan parents, who were totally separated from their children for years—and whose fight was our fight.

Dare American parents suggest that they are not capable of equal efforts for their children's future? Dare we even imply that we deserve or want to buy it wholesale?

Of course many of us will not live to enjoy the rewards of our sacrifices. But that's not the main point. Others will, our children among them. We must think in long-range terms, in terms of our nation's destiny. We must have a sense of history.

Then too, there is the matter of one's conscience and convictions. If you believe, as all decent and just people do, that exploitation of man by man must cease, that the world and its riches belong to those who create them, then you must act accordingly. Failure to do so also corrupts.

[fol. 279] When we enlisted in the war against fascism, we did not stipulate that we were interested in crushing the German and Japanese brands only. We know that fascism has not been destroyed. We know that we are still at war, the same war, fighting now with ballots instead of bullets.

The surest chance of staying alive today is to fight. To be

silent, to be "neutral" is to court death. Because the time soon comes when fascists don't like or need neutrals. When they are ready they will force you to become an active collaborator, or kill you. Since you must fight, and perhaps die, better fight while you have the initiative and the chance to choose the side on which you fight. There is no other way to live today.

[fol. 280] The Evil of Self-Righteousness May 4, 195

Since human beings first associated themselves in various endeavors it has been realized that no human being or institution is perfect, that no person or organization can "always be right." And yet, it is not surprising, there have been persons and nations from the very first who not only were certain they were always infallible and superior, but insisted that others accept them at their face value.

Such persons, it is well known, frequently land in insane asylums—chanting incessantly that they, and only they, are the genuine "Napoleon!" Nations given to such delusions cannot be locked up (though Roosevelt proposed quarantining them) and so have brought indescribable degeneracy, agony and tragedy to mankind. Witness Nazi Germany.

As we read daily of the exploits of Truman and his bi-partisan associates, we are compelled to ask whether they—and the publishers of the papers which extol them—are not gravely afflicted with the disease of self-righteousness. Let us examine some of the symptoms:

(1) News from Washington these past years has repeatedly told of "Project X," the super central intelligence agency which our government has been building. It has been officially announced that one of its major purposes is to encourage counter-revolutionary activities wherever there exists a government our rulers don't like, as in eastern Europe. Simply put, this means that your taxes and mine are spent to buy spies in those countries, to bribe natives to turn traitors against their own governments, for the purpose of overthrowing those governments. And yet, when some of these spies are caught, as happened in Hungary, Washington raises its hands in hypocritical

horror, hysterically denying that the ultra-righteous State Department could be involved in such dirty work.

(2) Recently an American plane, fully equipped with radar and other essential navigational devices, was found over Soviet territory, 400 miles off its course. This could not be an accident. It was clearly a serious violation of international agreements. And yet—it is our government which has striven mightily to turn this incident into a "Soviet attack" against the U.S.A.! And our spokesmen in Congress have indulged in what is probably a new low in criminal irresponsibility, in effect calling for war!

(3) In the perverted language of the bi-partisans it is the Soviet Union which alone is responsible for the weakening of the United Nations. Always, they say, it is the USSR which undermines the UN—never the unilateral actions of the U.S.A.: our building of the bloc of North Atlantic Pact countries our joining in the civil war in Greece (on the side of fascism), our fantastic support of Chiang Kai-shek, our Marshall Plan designed to destroy democratic people's movements wherever they are growing.

(4) According to Wall Street and its mouthpieces in the State and War Departments (oops, I meant Defense Dept.), it is the Soviet Union which pushed us into the cold war and is keeping us there; it is "Red imperialism" which is forcing us to arm the world's fascists and ourselves to defend the embattled democracies of the earth. ("Soviet imperialism"—why even an elementary understanding of the structure and philosophy of the USSR, which we have a right to expect of our officials, would demonstrate that this is a basic controdiction in terms.)

They call the Soviet Union imperialist—when it is our government which has more bases and soldiers all over the globe than ever before, more oceans under its control, when it is our government which via "Point Four" plans to exploit the colonial areas of the world for the benefit of Wall Street, when it is our government which via the European Recovery (?) Program is attempting to dominate the economies of the countries which seek our help. Imperialism indeed!

Instead of being careful students of philosophy of the

Soviet Union—our wartime ally—it appears that our "leaders" learned more from Hitler—especially his use of the "Big Lie" technique. Say evil is good and falsehood is truth, say it often and loud enough, and the people will believe it! Along with this goes a colossal contempt for the people, for our intelligence and our hopes.

Here truly are falsehood and hypocrisy raised to the level of national policy! Here truly is the mark of the beast, mark of the fascist!

It is the mark of fascism—this disease of self-righteousness—for it leads inevitably to a soaring sense of superiority over all other people. (It is conceivable that the U.S.A. is always right and other nations always wrong?) If we are always right and others always wrong—then we are superior and they are inferior. Surely this is a philosophy and a national policy no minorities among us can approve, or be party to.

The bullying, self-righteous posturing of our spokesmen are by no means evidences of strength. No—basically they are signs of a profound sense of guilt, and a terrible fear born of the realization of great weakness and approaching doom. It is an incurable disease they have, these mad dogs—a symptom of the decay of their "American way of life," evidence that it has outlived its usefulness and that the people of our great land must make it over into a way of life which will insure truth and justice and security for us all.

[fol. 281] THE ANNIVERSARY - August 15, 19

Five years ago, August 15, 1945, the greatest, bloodiest war in history ended with the surrender of his country's forces by Hirohito—predecessor of the present emperor of Japan. The victory of the allied free peoples of the world demonstrated beyond all doubt their superiority over the fascists.

Every allied man and woman who participated in that war made history—as surely as did, for example, the freedom-loving people who achieved the French, American and Russian Revolutions. The allies gave mankind another chance to build the better world the best of men and women have dreamed of for ages. We proved once again that his-

tory is not made exclusively by the high-born, the rich and the generals (as the textbooks say)—that the people make history.

We paid a terrible price for victory: 22,000,000 men, women and children were killed during World War II—of whom 326,000 were slain American soldiers; 670,000 American soldiers were wounded. The value of the homes and buildings and land destroyed and the billions of tons of material expended can only be guessed at—but undoubtedly enough to give homes and schools and hospitals, and much more, to all the people who need them.

And it is important to recall why we and and our allies fought such a costly war. The U. S. War Department, in its political education program for our troops, stated officially that we were fighting to defeat fascism, which it described as:

"Fascism is the precise opposite of democracy . . . Fascism is government by the few and for the few . . . Fascism came to power in Germany, Italy and Japan . . . supported in secret by powerful financial and military interests . . . fascists solved unemployment by converting their nations into giant war machines . . . Those who subsidized and ran fascism grew richer . . . People of a fascist state earn less and less . . .

"Any fascist attempt to gain power in America . . . would work under the guise of 'super-patriotism' and 'super-Americanism' . . . Indiscriminate pinning of the label 'Red' on people and proposals which one opposes is . . . a favorite trick of native as well as foreign fascists . . ."

I know this was the official American definition of fascism and the enemy because for over three years as an army orientation officer I was ordered to indoctrinate our troops with that definition. I believed it to be true then. I believe it to be equally true now—and confirmed by what has been happening in my own country since the war ended.

The U. S. Army trained me well to recognize the symptoms of fascism. I am able to assert therefore that every part of that official definition describes accurately what native fascists are trying to do in America today.

WE FOUGHT WELL

Consequently, this poses a question of great significance—one which every thinking American must answer for himself: If the USA was right in paying so high a price to defeat fascism, can our government be right five years later in its actions which follow so closely its own definition of a fascist state?

If what we did five years ago to destroy the fascist states was right, what our government is doing now must be wrong. We can't possibly be right in both situations which are "precisely opposite" to each other. If what our government is doing today is right, then in helping to stop the fascists five years ago we paid an awful price to commit the greatest mistake in history.

[fol. 282] There are certain infamous Americans who insist that we were wrong to join the allied cause in World War II. But do the American people think so? To do so means to say that every American and allied soldier and civilian who died in the war died for a lie, that all the sacrifice the rest of us made on the battlefields and home fronts were for an evil cause.

Dare the Trumans-Dulles-Warrens tell our gold star mothers that their sons gave their lives for naught? That they dare not—for they know that that is the lie. They know the American people would reject such a betrayal, would drive such betrayers from public life.

We know we were right in fighting the fascists five years ago. We know that in beating them we gave democracy another chance. This is the great victory of that war . . . . which makes our sacrifice worthwhile. We learned that safe-guarding democracy, our children's future, is a lifetime job—and that we have the strength and wisdom to do it. We learned that we must fight fascism all the time, everywhere.

After our victory we had every right to expect the building of the better world we'd fought for. By our deeds, we the people earned that reward and proved ourselves worthy of it. We proved also that we are capable of creating it ourselves.

We have great pride in that victory—a pride that fortifies

us, that confirms our invincible power, a pride that is a source of profound satisfaction and a rich heritage for our children, a pride that will generate the determination to build a better life.

On this fifth anniversary of the world war's end, therefore, we pledge that we will take our victory back from the misleaders, from the traitors who sold us and our nation short.

[fol. 283] THE GANGSTERS, INCORPORATED October 5, 1950

As a citizen and taxpayer I want to suggest to our law enforcement authorities that they are spending too much of their time and our money on the small fry. They should be using the power and resources we have entrusted to them to apprehend and imprison those who are the greater menace to the peace of our communities.

This does not mean that the Dillingers and Capones should be allowed to operate freely. But it does mean that our authorities must develop a sense of proportion, of relative values. We must help them learn to spend more of their time doing those things which help the people most—such as putting out of action those criminals who are the greater threat to our safety, who are really disturbing the peace.

After all, is there any comparison between the sums stolen by the James and Dalton Boys, for example, and the billions which have been stolen from the American people by the Congressional gang which gave them to Chiang-Kai Shek? Or between the victims of all the murders in U. S. history and the numbers of our soldiers killed in foreign lands for the profit and power of the gangs who've controlled our government?

Measure all the blood and tears, all the broken homes and ruined lives, even the property losses, which have been caused by the crimes listed in our police records—and it is a cinch bet that they will not equal even a percentage of a fraction of the destruction of cities, lives and dreams caused by the criminals in public and corporation offices who have:

- ????? innocent people because of their skin color.
- Denied our wives and children even half of the glorified "American standard of living."

- Exploited working men and women and children at low wages,
- Turned troops on strikers,
- Prejudiced neighbor against neighbor because of color or creed,
- Refused adequate housing for American families, Stolen our civil rights and jailed us for protesting,
- Made war to save their profits and political power.

Was there ever a robber chieftain who urged the cold-blooded slaughter of millions of people—as do the American leaders who want to drop atom bombs over the world? Was there ever one so hypocritical as our cultured Secretary of State who said that any American favoring outlawing the atom bomb was a Communist? Was there ever one so amoral as our Secretary of Navy who recommended that the United States be willing "to pay any price, even the instituting of a war, to compel cooperation for peace."

No Comparison

Not all the criminal gangs in American history put together were as great a danger to our country's welfare as are the generals who today urge that American youth be trained as "killers." No thieves were ever so corrupt as the Hoovers and Harrimans who say that to preserve the "American way of life" we must choose guns instead of butter—who spend millions in poison gases and not a dollar for a cancer cure.

None of the murders have been so sinful as a Dulles who uses religion to champion the anti-Christ. None such a threat to our security as a U. S. Attorney-General who denies us the right to bail and tells brother to spy on brother.

The preoccupation of our law enforcement officials (and the press, radio and movies) with the lesser crimes of the admitted gangsters—while they ignore and hide the greater crimes—is, of course, no accident. For one thing, by filling the newspaper and the air with stories of the petty criminals, they hope to keep our attention diverted from the plots and doings of the bigger criminals. For another,

public officials, civic leaders, and press and movie owners have been known to be in league with the organized criminals.

The Dillingers and Capones—while rarely Robin Hoods—at least have not claimed to be anything but what they were: men trying to make their pile under the rule of "I'll get mine and to hell with the other guy"—which rules our country. They got theirs, perhaps a little more crudely than various corporation executives and politicians—but never at such a cost to society. Never did they pose as the moral leaders and rightful rulers of our land. They weren't hypocrites.

[fol. 284] As we compare the deeds and motivations of the crooks and cutthroats with the crimes of the powerful men who have ruled our land, who consider themselves the respectable leaders of our society, are we not forced to ask—realizing that both groups are creatures of a degenerate society: Who are the greater menace to our community?

[fol. 285] COMMITTEE'S EXHIBIT No. 2

Testimony of Raphael Koenigsberg before the Senate Fact-Finding Committee on Un-American Activities, California, 112 State Building, Los Angeles, on Tuesday, September 7, 1948.

RAPHAEL KOENIGSBERG, called as a witness on behalf of the Committee, having been first duly sworn, testified as follows:

Chairman Tenney:

Q. Will you state your full name, Mr. Konigsberg?
A. Raphael Koenigsberg.
Q. Where do you reside?
A. 2446 Echo Park Avenue.
Q. What is your occupation?
A. Social worker.
Q. Are you presently employed?
A. Yes, I am.
Q. Where?

A. The Los Angeles Sanitarium.
Q. Is that a public agency?
A. No; it is a private agency.
Q. Where is it located?
A. In Duarte, near Monrovia.
Chairman Tenney: Proceed, Mr. Combs.
The Witness: Mr. Tenney,——
Chairman Tenney: You may give it to the press.
The Witness: No; I am not referring to any statement. I just wanted to ask, since you made a statement a moment ago, a very good statement it was, about the dangers of anti-Semitism, and since you have ejected our attorney, I suggest you eject or subpoena the anti-Semite who returned to the courtroom and now sits in the back of the room. At least you can be consistent.
[fol. 286] Chairman Tenney: We certainly did that. We ejected the man who caused the disturbance this morning. We have his name and address and he may be subpoenaed at a future hearing.
The Witness: He is in the room now. If you eject our counsel, we feel he should be ejected.
Chairman Tenney: We gave your counsel about five opportunities to conduct himself as an attorney and gentleman. He refused to do so. We finally had to eject him permanently. If the gentleman you have in mind does anything to disturb us, we will eject him, also. This is a public hearing for people whether they are good Americans or Communists or anti-Semites, whatever they may be; as long as they conduct themselves, they may be able to remain, but if they can't conduct themselves, they will be ejected.
The Committee has subpoenaed many anti-Semites, many subversive leaders who head such organizations, and we have no more use for them than we have for Communists.
The Witness: We agree with the purpose of any committee's fight on subversive activities. Why, for example, hasn't the Committee interested themselves in subversive activities such as the recent murder of some Negro boy by the Los Angeles Police Department?
Chairman Tenney: We are here to question you, Mr. Konigsberg. You are not here to question us.
Will you proceed, Mr. Combs?

The Witness: You get your authority from the People of the State, do you not?

Chairman Tenney: That is right, and they have mandated us to investigate Communism, Fascism and Nazism.

Proceed, Mr. Combs.

[fol. 287] Mr. Combs: Q: How long have you resided in the State of California?

A. Since 1936.

Q. Prior to that time you resided where?

A. In Washington, D. C. May I ask this, Mr. Combs? I think we would save a lot of time, and incidentally, expense to the state in prolongation of the hearing if you permitted me to read a brief statement, which I am sure will cover the various points you have to ask.

Chairman Tenney: Mr. Koenigsberg, we will accept the copy of your statement, which will be attached to the transcript, and we will now proceed to the matter at hand.

The Witness: May I have an opportunity of reading it here during the questioning?

Chairman Tenney: No. We have denied that to every other witness. We know the routine so well, Mr. Koenigsberg.

The Witness: You mean your routine.

Chairman Tenney: No, your routine. Your audience may be fooled by it. Most of our good Americans are acquainted with the routine and the dilemma in which many of you find yourselves. We will save time and the transcript, and as you say, money, for the people of the State of California.

The Witness: That is what I am interested in. You are not afraid of what is in the statement?

Chairman Tenney: I am not afraid of what is in the statement, particularly of Communists.

Mr. Combs: I am afraid we had better go ahead with [fol. 288] the questions or we will be here all night.

The Witness: I will be very happy to cooperate, Mr. Combs.

Mr. Combs: Thank you very much. I would like to get started with that cooperation.

The Witness: All right.

(Whereupon, the statement of the witness was filed with the Committee and marked Koenigsberg Exhibit No. 1, September 7, 1948)

Mr. Combs Q.: Were you connected with the American Peace Crusade in 1940, Mr. Koenigsberg?

A. I don't recall any such organization.

Q. You don't?

A. No, sir.

Q. You never heard of the American Peace Crusade?

A. I may have heard of it, but I don't recall. What is the point or purpose of such question?

Q. Were you living in the 44th Assembly District at that time in 1940?

A. What street would that be? I don't remember the Assembly District.

Q. 960 Everett Street?

A. Yes, I lived at that address at one time.

Q. And you lived there in 1940, did you not?

A. I don't recall the exact year, but shortly before going into the Army.

Q. You never heard of the American Peace Crusade?

A. I don't recall any such organization. Perhaps it had some other name. No, I don't at that time—American Peace or American Mobilization—No, I don't recall such name.

[fol. 289] Q. There was the American Peace Mobilization, but I am not referring to that.

A. I don't recall any such organization, Mr. Combs.

Q. Did you ever hear of the Hollywood Independent Citizens Committee of the Arts, Sciences and Professions?

A. Yes, I have heard of it. Anyone that reads the newspapers has heard of it.

Q. You never heard of the American Peace Crusade, and a lot of people who can read newspapers have heard of that.

A. The Hollywood Independent Citizens Committee of the Arts, Sciences and Professions is a very recent organization.

Q. The other one is a 1940 organization.

A. May I say at this point by what authority actually do you ask such questions as to my association or affiliation with any organization, which, if I understand anything, and

I used to teach English, by the way, the American Constitution denies you the right to question my organizational affiliations.

Q. We ask you the questions by authority of a Senate resolution by which this Committee functions.

A. And the Senate authorized this Committee to act in a manner to subvert the Constitution of the United States?

Q. Are you going to answer the question, Mr. Koenigsberg?

A. I am answering the question.

Q. Or are you going to get into a debate? I am not being interrogated here, but you are, and you are most uncooperative. No-, let's get back to the question again, and you can answer or not, as you please.

[fol. 290] Were you a member of the Board of Directors of the Independent Citizens Committee of the Arts, Sciences and Professions?

A. I challenge your right to ask the question, but since it is a matter of record, I never was a member of the Hollywood Independent Citizens Committee.

Q. Did you attend its conference on Thought Control on July 9, 10, 11, 12, 13, 1947?

A. Again protesting in the same manner, I did not attend it.

Q. All right. Did you ever participate in the activities of the California Legislative Conference?

A. What is the purpose of that question?

Q. I have my own purpose, and I don't have to disclose it to you, and I don't think I shall.

A. Thank you.

Q. Answer the Question.

A. Mr. Combs, if you are asking me a question, I think you have the obligation of telling the reason.

Q. The California Legislative Conference has been found to be a Communist-dominated organization.

A. By whose definition?

Q. By our definition.

A. Do you expect us to accept that definition?

Q. I don't care whether you do or not.

A. It is a matter of public record I participated in the Legislative Conference, and I gave a report there.

Q. Thank you very much. Did you ever hear of an organization called the Congress of American Women?

A. Certainly.

[fol. 291] Q. Did you have anything to do with them?

A. Not to my knowledge. It was a very fine organization. I was never asked to participate in it.

Q. Did you ever speak before it?

A. Not to my knowledge.

Q. Are you sure of that?

A. Well, I am sure—the Congress of American Women?

Q. Yes.

A. I don't recall ever speaking to that organization.

Q. Were you backed in your candidacy for member of the Los Angeles Board of Education by that organization, or do you know?

A. I don't know. I would assume that they might have supported the Citizens Committee for Better Education in its program, and as you know, I was a candidate sponsored by the Citizens Committee for Better Education.

Q. According to the People's World of March 12, 1947, column 1, page 7, they were very active in your behalf in that campaign.

A. Fine. That proves they were for democracy.

Q. They are also in Tom Clark's list as a Communist organization. Did you ever hear of the People's Educational Center?

A. Yes, sir.

Q. Were you ever a lecturer there?

A. I was very proud to be a lecturer there.

Q. When did you lecture there?

A. I don't recall the exact date.

Q. Was it in the fall of 1947?

[fol. 292] A. It may have been.

Q. How long ago?

A. It was sometime in the past year.

Q. What did you lecture about?

A. I lectured about my observations in Germany and what the Fascists did in Germany and what they are trying to do in the United States.

Q. Were you paid for your work?

A. Not at all.

Q. How did you happen to become a lecturer there?

A. I was invited to.

Q. By whom?

A. The director of the school.

Q. What was his name?

A. Sidney Davidson. It is a matter of public record.

Q. Did you know that Sidney Davidson has been found to have registered as a member of the Communist Party.

A. Whether I knew it or not is a matter that this Committee has no authority to inquire into, but it wouldn't have made any difference if I had known it.

Q. You are a member of the Advisory Committee of the Los Angeles Division of the California Labor School, are you not?

A. Yes, I am.

Q. To keep the record straight, I don't think it has been specifically stated, the headquarters for that school is at 112 West Ninth Street, Room 812, isn't it?

[fol. 293] A. That is a matter of public record; it is. Wait a minute; did you say West Eighth?

Q. West Ninth, Room 812.

A. West Ninth; that is right.

Q. When were you last there, Mr. Koenigsberg?

A. Within the past week.

Q. For what purpose?

A. A meeting of the Advisory Board of the School.

Q. Did you attend the meeting that preceded it?

A. I did, since it has been made a matter of public record, and I question your right to ask what meetings I have attended.

Q. You can question the right, but I am interested only in your answers to the questions.

How did you happen to become a member of the Advisory Committee?

A. I was invited to serve as a member of the Advisory Committee.

Q. By whom?

A. By Mr. Hedley, the Director of the School.

Mr. Combs: That is all.

Chairman Tenney Q. Have you ever been or are you now a member of the Communist Party?

A. Mr. Tenney, I think the nature of my answer should be clear. I deny that this Committee has a right to question any American citizen as to his political affiliations. The purpose of such question is to subvert the liberties of our American citizenry, and as soon as we realize that is the function of such committees to serve, I think it is the best thing we can do to serve democracy.

Q. I now direct you to answer the question: Are you now [fol. 294] or have you ever been a member of the Communist Party?

A. I am not refusing to answer the question. I am stating the answer that any intelligent American can give, seeing what has happened today follows the pattern that happened in Germany. My answer is the citizen's right as guaranteed under the Constitution is paramount to the right of the un-American Legislative Committee to question me about affiliation. If you will read your American History books, and you claim to be somewhat of an expert on the subject, you will find, for example, in Pennsylvania, Thaddeus Stevens in 1935 tried to do the same thing with the Masons, and he was denied by the Supreme Court the right to question anyone as to whether or not he was a member of the Masons.

Q. For the third time, I direct you to answer the question which you have refused to answer so far.

A. I do not refuse. Let the record indicate that.

Q. Will you answer the question?

A. I have answered the question to the best of my ability.

Q. You raise objections for refusing to answer the question. The question is very distinct.

A. My hearing is very good, Mr. Tenney.

Q. Are you now or have you ever been a member? I now point out to you that some 30 or more individuals in the State of California, in spite of the fact that they have raised all of these points, have been convicted for contempt of this Committee.

A. That is a great tragedy in our country that these happen.

Q. Will you answer the question?

[fol. 295] A. Your purpose in asking such question——

Q. I am talking about the purpose.

A. —is to stifle all freedom.

Q. Have you been or are you now a member of the Communist Party?

A. I say this Committee has no right to ask any citizen such question.

Q. I think the record shows conclusively that the witness has refused to answer the question.

A. That is false, sir. I have not refused to answer the question.

Chairman Tenney: I think the members of the Committee agree that the witness has refused to answer the question. I think the Committee is unanimous in its conclusion that you have refused to answer the question.

Thank you very much, Mr. Koenigsberg; you are excused.

The Witness: I will answer it the only way any intelligent citizen can, to defend the principles of American democracy.

Chairman Tenney: You are excused.

The Witness: May I pass to the press my statement?

Chairman Tenney: Yes.

The Witness: May I distribute it to the audience?

Chairman Tenney: No.

The Witness: Why can't I do that?

Chairman Tenney: You are excused, Mr. Koenigsberg. The Committee will take a five-minute recess.

[fol. 296] COMMITTEE'S EXHIBIT No. 3

Copy

September 19, 1948

Sen. Jack Tenney, Chairman
Tenney Committee
State Building
Los Angeles

Dear Sir,

I have just noticed two serious typographical errors in the statement I handed your Committee when I appeared before you on September 7th. To keep the record straight, please make the following corrections in your copy:

Page 1, Line 6: Insert the word "Seventh" before "U.S." (I was the orientation officer for the Seventh U.S. Army.)
Page 1, Line 10: The sixth word in this line—'war' should read 'way' (. . . cleared the way for civilization to advance.)

Thank you.

Very truly yours,

/s/ R. Konigsberg
Raphael Konigsberg

TENNEY COMMITTEE HEARINGS—9/7/48

2446 Echo Park Ave.
Los Angeles

[fol. 297] Statement of
RAPHAEL KONIGSBERG

For three and a half years I served in the American Army —in the U. S., Africa, Italy, France and Germany, as an Orientation Officer responsible for the political education of thousands of our soldiers. The objective of the Army orientation program was to give the American troops an understanding of the basic issues of the war and of the peace. In my last post, with the rank of Captain, I was the chief orientation officer for the Seventh U. S. Army in

Germany supervising the program for over 400,000 soldiers.

When I sa-led from Europe for home, I was certain that after what we and our Allies had done in winning the war the world would never be the same again, that we had cleared the way for civilization to advance.

I looked forward to my country's future and my own with unbounded faith in our ability to build that better society we all needed so desperately. I was proud of America and proud that I had earned my right to American citizenship and that I could pass this heritage on to my children as a guarantee of their future.

Then I came home . . . and the America I found made me fear for the future of my children. For I returned from a war against the forces of fascism to find the preconditions of fascism's triumph being engineered in my own country! I could not believe the evidence of my senses.

Therefore, I have been studying the deeds of the rulers of our country and their representatives—of which the Tenney Committee is an example—and with deepening horror I am forced to conclude that it is you who are the real enemies of our country and world peace. You, the financial-military bi-partisan cabal, are the subversive Americans.

[fol. 298] Here is the evidence:

You defend and arm fascists, America's enemies, all over the globe and persecute defenders of democracy in America. You entrust the defense of our democratic system to men like Forrestal who helped build Nazi power.

You proclaim that the Truman-Marshall plan "is directed not against any country or doctrine, but against hunger, poverty, desperation and chaos" . . . and then you tell the people of Europe and Asia to vote and live the way you want them to or starve and die. But, when the peoples there move toward a more democratic life you accuse other nations of intervention!

You know that before the fascists can take full power in any country they must first divide and smash the labor unions and that is what you are endeavoring to do in America. You display inordinate zeal in ordering Congress to give our tax funds to the murderers of the Greek and Chinese people, but show no comparable enthusiasm in fighting for the welfare of Americans. Do you expect us

to believe that a few Communists are responsible for the program you have decreed for us: Lower living standards, weaker trade unions, less economic security, less civil liberty, more guns, the draft and another war . . . while the dead of the last war are not yet decently buried?

You deliberately manufacture the Red scare—a tested Hitlerian technique—to conceal your own treasonable failures to meet our people's needs, to divert our attention from your ultimate purpose: to oppress and enslave Americans and dominate the world. By instituting loyalty inquisitions and wit-h-hunts you hope to frighten and destroy those who would expose your schemes and defend democracy—*which is why you have subpoenaed us today.*

[fol. 299] You sabotage the United Nations, you prostitute the honor of our nation—as in the double-cross of the Jewish State—and . . . arrogate unto yourselves the right to pass moral judgments on other nations! What contempt you feel for the intelligence of Americans.

You succor our wartime enemies, the killers of America's sons, the despoilers of civilization. And to our allies you offer starvation, fear, and death. If Hitler came to life today, could you refuse him aid? The millions cremated and slain cry out "Is it for this we suffered and died?" Will you tell America's dead they died for a lie?

What bankruptcy of morality, of social and political and cultural values! Dishonesty! Hypocrisy! Atomic force in place of reason! Personal gain above the common welfare! Hate your fellowmen! Destroy the ten commandments! Is this the American way of life we are to teach our sons and daughters?

As a father, I accuse you of plotting a society in which I am afraid to raise my children. You are stealing from me the leisure and peace of mind to enjoy and grow with my family. You are despoiling my children's democratic heritage . . . and threatening their lives.

As a Jew, I accuse you of planning an America in which my people can find no security. You are capable of doing to us what the Nazis did.

As a veteran, I accuse you of betraying all the promises our government made to Americans when we went to war. You have squandered the glorious opportunities our war

sacrifices gave our nation to build world peace and a better America. You have undermined our pride in our country. You are diabolically creating disillusionment, despair and spiritual decay, to prepare a soil in which fascist ideas can flourish—and democracy die.

As a citizen, I accuse you of shaming my country before the liberty-loving peoples of the earth. You have made [fol. 300] America, formerly honored as the saviour of democracy, the most feared and hated nation. What a spectacle you make of us: the most powerful nation on the globe claiming to be defenseless, terrified of decency and progress and every free idea. You have corrupted our magnificent war aims and turned them into their opposites. You are undermining our faith in the democratic form of government. You are conspiring to annihilate America if need be to achieve your goals.

In discharge, therefore, of my responsibility as a citizen, I do hereby declare war without quarter on you un-Americans, the enemies of my country, my people, and democracy. I pledge my word to use every democratic means to defeat you.

I know what I risk in doing so. I know too that if we do not stop you now, there will be a war—and I will be destroyed, for no good purpose. It is far better that a man expend his life in a manner most useful to the realization of his principles.

I want to fight while I still have the chance, and while there is yet time to choose the side on which I fight. Come what may, I want to know, and I want my family and friends to know, that I did my part to keep fascism from conquering America.

I cannot fight alone. To be effective I must join my strength to that of my fellow Americans. Together we defeated the foreign foes. Together we will defeat the conspirators within—and bring justice to America and peace to the world!

Committee's Exhibit No. 4

The Committee of Bar Examiners of the State Bar of California

2007 Central Tower, San Francisco 3 — 440 Rowan Building, Los Angeles 13

FILED [illegible] NO [illegible]
Atty: [illegible]
COMMITTEE OF BAR EXAMINERS
THE STATE BAR OF CALIFORNIA
EXHIBIT [illegible] #4

IN RE REGISTRATION OF

RAPHAEL KONIGSBERG
(Print Name)

REGISTRATION NO.

DATE FILED

FOR USE OF COMMITTEE OF BAR EXAMINERS ONLY

Registrant will be exempt from the first-year law students' examination

☐ (a) Has been admitted to practice in another common-law jurisdiction.

☐ (b) Exempt if he satisfactorily completes the first-year course in the accredited law school in which now enrolled.

☐ Registrant will *not* be exempt from the first-year law students' examination.

☑ Registrant had completed at least two years of college work before commencing to study law.

☐ Registrant had not completed at least two years of prelegal college work, but was over 25 years of age when he commenced the study of law.

Application approved..... Disapproved.....

I hereby apply for registration as a law student in accordance with the provisions of the Rules Regulating Admission to Practice Law in California, and submit the following information in support thereof.

The required fee of $5.00 accompanies this application.

Raphael Konigsberg
(Signature)

Address 2446 Echo Park Ave. - AN 1-[illegible]
(Street and Number) (Telephone)

Los Angeles 26, California
(City) (State)

Dated December 4, 19 50

INSTRUCTIONS TO THE APPLICANT

Read carefully the Rules Regulating Admission to Practice Law in California.

Fill out the following questionnaire in your own handwriting.

All statements are to be based on your own knowledge unless the statement is expressly qualified to show the source of your information.

Answer all questions and make your answers specific.

If the space for any answer is insufficient, complete your answer on a separate attached sheet.

This application for registration must be filed within three months after you begin the study of law, unless for good cause the Committee permits later registration. If more than three months have elapsed since you commenced the study of law, accompany this application with a letter requesting permission to file late and stating the reason you did not apply within the three-months' period.

Section 6060 of the Business and Professions Code and the Rules Regulating Admission to Practice Law in California (both of which you are referred to for more detailed information) provide that, in order to take the bar examination, a person shall

(a) Be a citizen of the United States.

(b) Be of the age of at least twenty-one years.

(c) Be of good moral character.

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(d) Have been a bona fide resident of this State for at least three months immediately prior to the date of the bar examination.

(e) Before beginning the study of law, have completed at least two years (60 semester or 90 quarter units) of college work or have reached the age of 25 years. [Students who had not completed two years of college work nor reached the age of 25 years at the time of commencing the study of law may nevertheless be entitled to exemption from the prelegal college requirement if they do not claim credit for any law study pursued before, and prove that they have entirely complied with the legal educational requirement after, arriving at the age of 25 years.]

(f) Have registered with the examining committee as a law student within three months after beginning the study of law. The examining committee, upon good cause being shown, may permit a later registration.

(g) Have either:

(1) Graduated from an accredited law school requiring substantially the full time of its students for three years (or 24 months in certain instances. See Section 91 of the Rules).

(2) Graduated from an accredited law school requiring a part only of its students' time for four years (or 36 months in certain instances. See Section 91 of the Rules).

(3) Studied law diligently and in good faith for at least four years.

(h) Have filed application for and passed the first-year law students' examination or have filed satisfactory proof of exemption therefrom. To be entitled to exemption from the first-year law students' examination an applicant shall:

(1) Have satisfactorily completed the first-year course of instruction in a law school accredited by the committee at the time of his matriculation therein or so accredited at the time he completes the first-year course, or

(2) Have been admitted to practice law in a common-law jurisdiction.

The purpose of the following questionnaire is to help you and the Committee to determine whether you will be eligible to take the bar examination after you have completed your legal education. If you have any questions or doubts concerning your eligibility, communicate with the nearest office of the Committee of Bar Examiners.

REGISTRANT'S QUESTIONNAIRE AND AFFIDAVIT

1. Personal Data:

(a) What is your full name? RAPHAEL KONIGSBERG

(b) Have you ever been known by any other name? No
(Yes or No)

If so, state and give details. If change of name was by order of court, file certified copy of order with this application. If married woman, give maiden name.

(c) State the full names and addresses of all employers, business associates, and enterprises (including self-employment) you have had during the past six years, the dates of the employment and associations, and the positions held by you.

(Name)	(Address)	(Dates) From	To	(Position)
U.S. Army	Washington, D.C.	1942	- 1946	CAPTAIN - Orientation Officer
City of Hope	Duarte, Calif.	Mar. '46	- Dec 1949	Director of Social Service
California Eagle	Los Angeles, Cal.	Apr. '50	- Sept. '50	Associate Editor

2. Citizenship. [Notice: You need not be a citizen until you apply to take the final bar examination.]

(a) Are you a citizen of the United States? Yes
(Yes or No)

(b) If so, state whether you are a citizen by birth or whether you became a citizen by naturalization. By father's naturalization.

(c) If you became a citizen by naturalization, give date and place of naturalization, and submit original naturalization certificate, which will be returned to you,

(d) Where were you born? Austria

(e) If you are not a citizen of the United States, when do you expect to become a citizen?

3. **Age:**

(a) When were you born? March 25, 1911
(Month, Day, Year)

(b) State age in years and months. 39 years - 8 months.

4. **Moral Character and Fitness:**

(a) Have you ever been summoned, arrested, taken into custody, indicted, convicted **or** tried for, **or** charged with, **or** pleaded guilty to, the violation of any law or ordinance or the commission of any felony or misdemeanor (Include all such incidents no matter how minor the infraction or whether guilty or not. Although a conviction may have been expunged from the records by order of court it nevertheless must be disclosed in your answer to this question)? No
(Yes or No)

If so, state the facts completely but concisely for each case, and give the date, name and nature of the offense, name and locality of court, and disposition of each such matter.

(b) As a member of any profession or organization, or as a holder of any office:

(1) Have you ever been suspended, disbarred or otherwise disqualified? No
(Yes or No)

(2) Have you ever been reprimanded, censured or otherwise disciplined? No
(Yes or No)

(3) Have any charges or complaints, formal or informal, ever been made or filed or proceedings instituted against you? Yes
(Yes or No)

If so, state as to each such case, the date, the nature of the charge, the facts, disposition of the matter, and the name and address of the authority in possession of the records thereof.

May 1950: The situation arising from my leaving my practice at the City of Vienna led to my filing charges of unprofessional conduct against another lawyer. Three of the friends I then felt similar charges against me. Those were dismissed by the Federal Board of the American Bar Association. You can check this with Chauncey Adams, Chm, Am Bar Assn Legal Workers, 60 S. Broadway, Los Angeles. No

(c) Have you ever been a party to or had or claimed an interest in any civil proceedings?
(Yes or No)

If so, give details.

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(c) State every address (including your present address) you have had since you were sixteen years of age, commencing with the earliest.

(City and State)	(Street and Number)	From (Mth. & Yr.)	To (Mth. & Yr.)
Los Angeles, Cal.	- 2446 Echo Park Ave. -	Nov. 1946	Present
" "	- 1663 N. Coronado St. -	Jan. 1946	Nov. 1946
U.S. Army	- In U.S. overseas -	Oct. 1942	Jan. 1946
Los Angeles, Cal.	- 429 N. Bayleton Ave -	Apr. 1942	Oct. 1942
Monterey, Cal.	- 741 Oakdale Ave -	Jan. 1941	Apr. 1942
Los Angeles, Cal	- 969 Everett St. -	? 1940	Jan. 1941
" "	- 1711½ Norton Ave -	1938	1940
" "	- 1350 Hope St. -	July 1936	1938
Washington, D.C.	- had 3 addresses ??? -	Sept. 1935	June 1936
Cleveland, Ohio	- 9919 Ridgeport Ave. -	1927	1935

(During This time I attended Ohio State U. Columbus, Ohio)

6. **Prelegal Education.** [Requirement: Unless you were at least 25 years of age when you commenced the study of law you are required to show that you had completed at least two years (60 semester or 90 quarter units) of college work prior to commencing the study of law. Students who had not completed two years of college work nor reached the age of 25 years at the time of commencing the study of law may nevertheless be entitled to exemption from the prelegal college requirement if they do not claim credit for any law study pursued before, and prove that they have entirely complied with the legal educational requirement after, arriving at the age of 25 years.]

(a) Show how your *prelegal* education was obtained:

(1) Grammar School. (1) Preston, Conn. (Name and Location) From Sept., 1918, to Jan., 1923

(2) Lawton St. Hi Cleveland, Ohio (Name and Location) From Sept., 1923, to June, 1925

Graduated? Yes (Yes or No)

(2) High School. (1) Glenville High (Name and Location) Cleveland, Ohio From Sept, 1925, to June, 1928

(2) ..... (Name and Location) From ....., 19....., to ....., 19.....

Graduated? Yes (Yes or No)

GLENVILLE

(3) College or University, *other than law study*: Western Reserve University, Cleveland, Ohio 1928-1929; Ohio State University - 1929-1931; and 1934-35. (Name and Location of Each College Attended)

Dates of attendance. From ....., 19....., to ....., 19.....

Received Degree? Yes (Yes or No) What Degree? B.A. - 1931; M.A. - 1935

Was Degree received prior to commencement of law study? Yes (Yes or No)

(b) When did you commence the study of law? September 18, 1935. (Month, Day, Year)

(c) Before commencing the study of law, had you completed at least two years (60 semester or 90 quarter units) of college work? Yes (Yes or No)

(d) If not, were you 25 years of age or more when you commenced the study of law? — (Yes or No) [See requirement above.]

(e) How old were you when you commenced to study law? 39 yrs. (Years) 6 mos. (Months)

7. **Legal Education and First-Year Law Students' Examination.** [Requirement: Please see the Rules Regulating Admission to Practice Law in California. If you do not satisfactorily complete the first-year course of law in an accredited law school, or have not been admitted to practice law in another common-law jurisdiction, you must take the first-year law students' examination after the completion of your first year of study. Those who do not graduate from an accredited law school must study law diligently and in good faith for at least four years. You should ascertain whether your law school is accredited.]

(a) Have you attended or are you now attending a law school? Yes (Yes or No) If so, state school or schools, and give dates of attendance. School of Law, Southern University of California (Name and Where Located) - Since 9/18/35 (Dates of Attendance)

(b) Do you intend to show graduation from a law school as qualifying you to take the bar examination?

Yes
(Yes or No)

If so, from what law school? School of Law - Univ. of Southern California
(Name) (Location)

If not, describe and outline on a separate sheet your proposed study of the law from now until the time you expect to apply for the bar examination. State briefly how and where you expect to study, the subjects you expect to cover and the approximate time you plan to devote to these studies.

(c) Have you ever been admitted to practice law in any jurisdiction? No
(Yes or No)

If so, where and when?

References. List the names, addresses, and occupations of three or more responsible and reputable citizens with whom you have personal acquaintance.

	(Name)	(Address)	(Occupation)
(1)	Dr. Robert Kennedy	947 6/8th - L.A.	Doctor
(2)	Dr. H. P. Lee	1919 Hobbere Blvd L.A.	Doctor
(3)	William Burke	City of Hope, Duarte, Cal.	Hospital Supt
(4)	Grey McWilliams	541 S. Spring St. L.A.	Attorney
(5)	Lia McLennan	112 W. 9th St. L.A.	Attorney
(6)	W. D. Halpern	2027 Park Dr. - L.A.	Manufacturer

State of California)
) ss.
County of Los Angeles)

I, [illegible], being duly sworn, says: I have read the foregoing questions and have answered the same in my own handwriting fully and frankly. The answers are complete and true of my own knowledge.

(Signature of Applicant)

Subscribed and sworn to before me this 4th day of December 1950

(Notary Public)

My commission expires

Committee's Exhibit No. 5

The Committee of Bar Examiners
of
The State Bar of California

2007 Central Tower
San Francisco 3

440 Rowan Building
Los Angeles 13

IN RE APPLICATION OF

RAPHAEL KONIGSBERG
(Print name as you wish it to appear on your certificate of admission)

FOR EXAMINATION FOR ADMISSION TO PRACTICE LAW.

SPACE FOR USE OF COMMITTEE OF BAR EXAMINERS ONLY

Registration as a Law Student No. 28697

Application No. 1154

Exempt from First Year Law Students' Examination? ☐
or
Passed First Year Law Students' Examination? ☐
CHECK ONE

Date Filed 6-30-53

Regular Fee Paid $ 40 (Bar)

Late Filing Fee $.....

Fingerprinted ☑ Report in ☑

Law School Cert. in ☐

Number of times applicant has taken California Bar Examination.....

Application approved..... disapproved.....

STUDENT'S APPLICATION AND AFFIDAVIT

To the Committee of Bar Examiners:

I hereby apply to be examined as to my qualifications and eligibility for recommendation to the Supreme Court for admission to practice law in the State of California.

The required fee* of $ 40.00 accompanies this application.

I desire to present myself for the bar examination in the city of Los Angeles
(Insert either San Francisco or Los Angeles)

in October, 1953
(Insert either April or October)

Raphael Konigsberg
(Signature of Applicant)

Home Address: 2446 Echo Park Ave. - AN 34874
(Street and Number) (Telephone)

Los Angeles 26, California
(City) (State)

Office Address, if any: None
(Street and Number) (Telephone)

(City) (State)

Dated: July 29, 1953

*Please see Section 71 of the Rules Regulating Admission to Practice Law in California for amount of fee.

INSTRUCTIONS TO THE APPLICANT:

This application must be filed not less than three months nor more than six months prior to the commencement of the examination desired to be taken. *Applicant must fill out the questionnaire in ink in his own handwriting.* Each question and inquiry and each subdivision thereof must be answered fully, truthfully and accurately. *Any omissions or inaccuracies may be deemed ground for disapproval and rejectio.* If the space for any answer is insufficient, the applicant may complete his answer on a rider signed by him and specifying the number of the question to which it relates. All statements are to be based on applicant's own information unless the statement is expressly qualified to show the source of his information.

The requirements for admission to practice law are contained in the Rules Regulating Admission to Practice Law in California, copy of which may be obtained from either office of the Committee of Bar Examiners. Briefly stated, the Rules provide that, in order to take the bar examination, a person shall:

(a) Be a citizen of the United States.

(b) Be of the age of at least twenty-one years.

(c) Be of good moral character.

(d) Have completed at least two years of college work, or have reached the age of twenty-five years, before beginning the study of law. To have completed two years of college work within the meaning of this rule, the applicant shall have received passing grades in at least 60 semester, or 90 quarter, units of work in a college requiring classroom attendance of its students. (Students who shall have completed two years of college work not reached the age of twenty-five years at the time of commencing the study of law may nevertheless be entitled to exemption from the prelegal college requirement if they do not claim credit for any law study pursued before, and prove that they have entirely complied with the legal collegiate requirements after arriving at the age of twenty-five years.)

(e) Be and continuously have been a bona fide resident of the State of California for a period beginning at least three months prior to the date of the bar examination and continuing to and including the date of admission.

(f) Have registered with the committee as a law student within three months after beginning the study of law. (The committee, upon good cause being shown, may permit a later registration.)

(g) Have either:

(1) Graduated from an accredited law school requiring substantially the full time of its students for at least three years, or

(2) Graduated from an accredited law school requiring a part only of the time of its students for at least four years, or

(3) Studied law diligently and in good faith for at least four years.

(See section 94 of the Rules for more detailed information.)

(h) Have passed a first-year law students' examination given by the committee after the completion of his first year of law study unless entitled to exemption therefrom. To be entitled to exemption an applicant shall:

(1) Have satisfactorily completed the first-year course of instruction in a law school accredited by the committee at the time of his matriculation therein or so accredited at the time he completes the first-year course, or

(2) Have been admitted to practice law in a common-law jurisdiction.

APPLICANT'S QUESTIONNAIRE AND AFFIDAVIT

NAME 1. (a) State full name RAPHAEL KONIGSBERG

(b) Have you ever been known by any other name? (Yes or no) Yes If so, state and give details. If change was made by court order, attach hereto a certified copy of such order. If married woman, give maiden name (See attached sheet)

(c) State whether you are married or single, and if married, the name (maiden name if applicable) of your spouse Married
Wife's maiden name - Sylvia Leibenfeld

(d) State name of
Father Julius Konigsberg
Mother (maiden name) Anna Singer

AGE 2. Date of birth March 25, 1911 Age 42 (Years) 3 (Months)

CITIZENSHIP (a) State place of birthplace Austria

(b) Are you a citizen of the United States? (Yes or no) Yes

(c) If born in a foreign country, state age at which you came to the United States 8 yrs

(d) If claiming citizenship other than by birth in the United States, state the basis of such claim and exhibit proof. If naturalized, state the date when and the place where, and produce certificate. (See attached sheet)

RESIDENCE 3. (a) Are you a bona fide resident of California? (Yes or no) Yes

(b) If so, from what date have you continuously been such a resident? June 1936

(c) State the facts upon which you base your claim to have become and to be such a resident Moved to Los Angeles in June 1936 to take position with Council of Social Agencies

(d) Are you presently actually living in California? (Yes or no) Yes

(e) If not, explain the circumstances of your absence

(f) Do you intend to remain a bona fide resident of California until after you have been admitted to practice (see subdivision (e) of foregoing requirements)? (Yes or no) Yes

4. State every address (including your present address) you have had since you were sixteen years of age, commencing with the earliest. If space is required, continue on an attached sheet.

City and State	Street and Number	From (Mth. & Yr.)	To (Mth. & Yr.)
Oakland, Ohio	9919 Pierpont Ave	March 1927	Sept 1929
Columbus, Ohio	(Various boarding houses)	Sept. 1929	June 1931
Cleveland, Ohio	9919 Pierpont Ave	June 1931	August 1934
Columbus, Ohio	(Boarding house)	August 1934	August 1935

(See attached sheet for remaining addresses.)

PRELEGAL EDUCATION

6. My education *other than the study of law* was received as follows:

(a) Grammar School. (1) Craig School - Preston, Conn. From Sept., 19 19, to June, 19 24
(Name and location)

(2) Lincoln Jr. Hi, Cleveland, Ohio From Sept., 19 24, to June, 19 25
(Name and location)

Graduated? Yes
(Yes or no)

(b) High School. (1) Glenville Hi - Cleveland, Ohio From Sept., 19 25, to June, 19 28
(Name and location)

(2) ——— From....., 19....., to....., 19.....
(Name and location)

Graduated? Yes
(Yes or no)

(c) College or University, *other than law study:*

(1) Western Reserve U - Cleveland, Ohio From Sept., 19 28, to June, 19 29
(Name and location)

(2) Ohio State U - Columbus, Ohio From Sept., 19 29, to June, 19 31
(Name and location)

Received Degree? Yes If so, what Degree? B.A.; and M.A. in 1935
(Yes or no)

Remarks: Honors, etc.: 1941-2 — Completed two seminars of work towards Ph.D. degree; interrupted by World War II, at Claremont College, Claremont, Calif.

(d) Did you complete at least 60 semester, or 90 quarter, units of college work *prior* to commencing the study of law? Yes If so, how many units did you so complete? Semester units: ———
(Yes or no)
Quarter units: Enough to graduate. If not, were you at least 25 years of age when commencing the study of law? ——— How old? ——— [See requirement (d) at the top of this questionnaire.]
(Yes or no) (Years) (Months)

REGISTRATION

7. Have you registered as a law student with the Committee of Bar Examiners? Yes
(Yes or no)
[Applicant must register as a law student before filing this application.]

FIRST-YEAR LAW STUDENTS' EXAMINATION

8. (a) Are you entitled to exemption from the first-year law students' examination? Yes
(Yes or no)
If so, check basis of exemption:

☑ I satisfactorily completed the first-year course of instruction in a law school accredited by the committee at the time I matriculated therein or accredited at the time I completed the first-year course; or

☐ I have been admitted to practice law in another common-law jurisdiction, to wit:

———
(Name of jurisdiction)

(b) If not entitled to exemption, have you taken and passed the first-year law students' examination? ———
(Yes or no)
If the answer is yes, give the date of the first-year law students' examination in which you were successful: June, 19.....

LEGAL EDUCATION

9. My *legal* education was received as follows:

(a) Day Law School. (1) U.S.C. Calif - Los Angeles From Sept., 19 50 to June, 19 53
(Name and location)

(2) ——— From....., 19..... to....., 19.....
(Name and location)

Average number hours instruction and study per month: 240 hours.

Graduated? Yes If so, give date June 1953
(Yes or no) (Month, year)

Degree received, if any LL.B.

U.S.C. will send it. → [As proof of such study, file a Law School Certificate using the Committee's form.]

(b) Night Law School (or Day and Night Law School):

(1) None From....., 19....., to....., 19.....
(Name and location)

(2) ——— From....., 19....., to....., 19.....
(Name and location)

Average number hours instruction and study per month: ——— hours.

Graduated? ——— If so, give date ———
(Yes or no) (Month, year)

Degree received, if any ———

[As proof of such study, file a Law School Certificate using the Committee's form.]

(c) Correspondence Law School None
(Name, location)

Inclusive dates courses were taken: —, 19..., to..., 19...

Average number of hours study per month: —hours.

Graduated? —If so, give date —
(Yes or no) (Month, year)

[As proof of such study, file a Law School Certificate using the Committee's form.]

(d) Law Office Study None
(Name and address of attorney)

Inclusive dates of such study: —, 19..., to —, 19...

Average number of hours per month of instruction, study and research: —hours.

[As proof of such study, file an Affidavit of Law Study and an Attorney's Certificate of Law Office Study using the Committee's forms.]

(e) Private Study None
(Place where study occurred)

Inclusive dates of such study: —, 19..., to —, 19...

Average number of hours per month of instruction and study: —hours.

[As proof of such study, file an Affidavit of Law Study using the Committee's form.]

(f) Do the above statements of law study and instruction include *all* such study and instruction? Yes
(Yes or no)

If not, explain additional study on an attached sheet.

10. During the period of time devoted to law study I also devoted to occupations, employment, or activities other than the study of law during each year indicated the following average number of hours per week:

Year	Average Hours Per Week	Nature of Activity
1950-51	15	Recreation and home maintenance
1951-52	15	" "
1952-53	15	" "

PREVIOUS EXAMINATIONS

11. (a) How many times have you taken the California (students') bar examination? None

(b) State the month and year of each examination —

(c) Did you ever apply to take the California bar examination other than for the examinations listed above? No If so, state disposition of each such application —
(Yes or no)

(d) Did you ever apply to take the California (out-of-state) attorneys' examination? No
(Yes or no)

If so, state disposition of such application —

12. Have you ever applied for admission to practice law in any other state, jurisdiction, or country? No
(Yes or no)

If so, give name of state, jurisdiction, or country, and state specifically the disposition made of each application. If granted, state whether you were admitted, giving the name of the court by which admitted, and the date and place of such admission.

—

13. If you have been admitted to practice law in any other jurisdiction, make a complete statement of your practice since first being admitted. Include temporary or part-time work. State as to each employment or period of private practice:

(1) The periods during which you were employed as an attorney, or engaged in private practice, with the inclusive dates.

(2) The exact addresses of the offices, including room numbers, or places at which you were so employed or engaged and the names and present addresses of all employers, partners, associates, or persons sharing office space, if any.

(3) The reason for the termination of each employment or period of private practice.

(PLEASE PRINT ALL NAMES AND ADDRESSES)

(1)	(2)	(3)

14. Have you ever applied for or held a license, *other than as an attorney at law*, the procurement of which required proof of good character (i.e., certified public accountant, patent attorney, real estate broker, etc.) ? No. (Yes or no)
As to each such application, state the date it was made, the name and address of the authority to whom made, and the disposition thereof.

15. (a) As a member of any profession or organization, or as a holder of any office, or as an attorney:

(1) Have you ever been suspended, disbarred or otherwise disqualified? No. (Yes or no)

(2) Have you ever been reprimanded, censured or otherwise disciplined? No. (Yes or no)

(3) Have any charges or complaints, formal or informal, ever been made or filed, or proceedings instituted against you? No. (Yes or no)

If an affirmative answer is given to any of the foregoing questions, state as to each such case, the date, the nature of the charge, the facts, disposition of the matter, and the name and address of the authority in possession of the records thereof.

(b) Have you ever held a bonded position? No. (Yes or no) If so, specify on an attached sheet the nature of position, dates, amount of bond and whether or not anyone ever sought to recover upon your bond or to cancel the same.

(c) Have you ever served in the armed forces of the United States? Yes (Yes or no)

(d) If so and you have been separated from such service, state nature of such separation, and if other than honorable, specify type thereof, and circumstances surrounding your release.

Honorably discharged in rank of Captain – 4/17/46

(e) As a member of the armed forces have any charges or complaints, formal or informal, ever been made or filed, or proceedings been instituted against you, or have you ever been a defendant in any courts martial? No. (Yes or no)

If so, state on an attached sheet the date, the nature of the charge, the facts, the disposition of the matter, and the name and address of the authority in possession of the records thereof.

MORAL CHARACTER

16. Have you ever been summoned, arrested, taken into custody, indicted, convicted or tried for, or charged with, or pleaded guilty to, the violation of any law or ordinance or the commission of any felony or misdemeanor, or have you been requested to appear before any prosecuting attorney or investigative agency in any matter. (Include all such incidents no matter how minor the infraction or whether guilty or not. Although a conviction may have been expunged from the records by order of court it nevertheless must be disclosed in your answer to this question) ? Yes (Yes or no)

If so, state the facts completely but concisely for each case, and give the date, name and nature of the offense, name and locality of court, and disposition of each such matter. If more space is required, continue on an attached sheet.

< See attached sheet. >

17. (a) Have you ever been a party to or had or claimed an interest in any civil (including divorce) proceedings? Yes (Yes or no) In April 1946, sued in Small Claims Court in Los Angeles for $150 for broken dishes, and won.

(b) Have you ever been declared a ward of any court or an incompetent or committed to any institution? No. (Yes or no)

(c) Have you ever been charged with fraud, either formally or informally? No. (Yes or no)

If so, give full details on an attached sheet for (a), (b) or (c), including dates, the court, if any, reference to the court records, if any, the facts, the disposition of each such matter, and if no court records are available, give to the best of your ability, the names and addresses of all persons involved, including counsel. If a divorce proceeding, state grounds:

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18. (a) Are there any unsatisfied judgments against you (including those barred by the statute of limitations)? No
(Yes or no)

If so, list them on a separate sheet, giving names and addresses of creditors, amounts, dates and nature of debts, and reasons for nonpayment.

(b) Do you owe any other indebtednesses that are *past* due (including those barred by the statute of limitations)? No
(Yes or no)

If so, list them on a separate sheet, giving names and addresses of creditors, amounts, dates and nature, and reasons for nonpayment.

19. Were you ever dropped, suspended, expelled or disciplined by any school or college? No
(Yes or no)

If so, state reasons and give details fully on an attached sheet.

20. Have you ever been employed in any occupation, business, or profession *other* than the law? Yes
(Yes or no)

If so, give name and address of each employer, the business, the position you occupied and the *month and year* of the beginning and ending of each employment, and the reason why you left each employer.

(PLEASE PRINT ALL NAMES AND ADDRESSES)

Month and Year	Name of Employer	Address of Employer	Nature of Business	Position	Reason for Leaving
9/31 - 8/32	Baker Printing Co.	Cleveland, Ohio	Printing	Clerk	To teach.
9/32 - 6/33	Board of Education	"	Education	Teacher	To enter social work.
9/33 - 8/34	Cuyahoga C. Relief Adm.	"	Public Relief	Investigator	To return to school.
9/34 - 8/35	Federal Emergency Bureau	Columbus, Ohio	"	"	To take teaching job.
8/35 - 6/36	Dept of Health D.C.	Washington, D.C.	Public Health	Supervisor	"
9/36 - 8/37	Council of Social Agencies	Los Angeles, Cal.	Social Welfare	Statistician	"
9/37 - 10/38	Federation of Jewish Welfare Organizations	"	"	Survey Director	Program terminated.

21. Have you ever been dismissed, discharged or requested to resign by any employer? Yes
(Yes or no)

If so, state on an attached sheet the name and address of each such employer, and the date, cause and circumstances thereof. <See attached sheet.>

22. Is there any incident of a derogatory nature in your life not called for by the foregoing questions that may have some bearing on your character and fitness to practice law? No
(Yes or no)

If so, state facts fully but concisely on an attached sheet.

23. State the names and addresses of three or more members of the Bar or judges in each community in which you have resided since you were 16 years of age, with whom you have close personal acquaintance. If you are not known to at least three members of the Bar or judges in each such community, then, as your remaining references, state names, addresses and occupations of reputable and responsible business or professional men or women who are closely acquainted with you. [*Persons related to the applicant by marriage or blood are not acceptable as references. Do not give as references teachers or classmates who merely knew you at school.*]

(PLEASE PRINT ALL NAMES AND ADDRESSES)

	Name	Address (Street)	Address (City, State)	Occupation	Length of Time Known
(1)	[illegible]	Cleveland, Ohio.			
(2)	None in Columbus, Ohio.				
(3)	None in Washington, D.C.				
(4)	Edward Mosk	6305 Yucca St.	L.A., Cal.	attorney	15 yrs
(5)	Herbert Simmons, Jr.	315 W. Vernon Ave.	L.A., Cal.	"	8 yrs.
(6)	Mortimer Hoyal	1250 Wilshire Blvd.	L.A. - Cal.	"	5 yrs
(7)	Rabbi Jehuda Cohen	900 Hollywood Ave.	W.L.A., Cal.	Minister	17 yrs.
(8)	Morris Halprin	2027 Rex Dr.	L.A., Cal.	Businessman	13 yrs.
(9)	Chauncey Alexander	3067 W. 7th St.	L.A., Cal.	Social worker	15 yrs.

State of California
} ss.
County of Los Angeles

Raphael Konigsberg being duly sworn, says: I have read the foregoing questions and have answered the same in my own handwriting fully and frankly. The answers are complete and true of my own knowledge.

Raphael Konigsberg
(Signature of Applicant)

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Subscribed and sworn to before me this

29th day of June, A.D. 1953.

Notary Public — My Commission Expires January 3rd 1957

1M—1-53

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Continued on attached sheet

David 1913. Cundall attorney, Cleveland, Ohio — (1924-27)
Daniel B. Kennedy, Grad work Columbus, (1927-28)
Notre Dame de Grace, Que. - Montreal, Canada

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Applicant's Exhibit "A"

TM 28-210

WAR DEPARTMENT TECHNICAL MANUAL

THE INFORMATION-EDUCATION OFFICER

WAR DEPARTMENT • JULY 1945

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In November 1943, the Information and Education Division was established in the War Department as a functional staff division, under the Commanding General, Army Service Forces, for administration and supply. It was charged with the supervision and policy control of those activities which are concerned with the mental training and attitudes of the soldier, as distinguished from activities which contribute primarily to mental and physical rest and change for troops, which continued to be a responsibility of the Special Services Division. The mission of the Director, Information and Education Division, was defined as follows:

> "... the planning, production, dissemination, and supervision of materials and programs for the information, orientation, and nonmilitary education of troops and with research on troop attitudes, in order to assist commanders in maintaining a high state of morale."

Information-education staffs were set up in all higher commands; information-education personnel were authorized in all units and installations down to and including the regimental and post level; provision was made for the appointment of additional duty personnel in lower echelons; and the stipulation was restated that all military personnel "will be given training in orientation," and that in "regiments, groups and separate battalions, squadrons, companies and detachments, or equivalent organizations, not less than one undivided hour per week will be devoted to this training during duty hours." Throughout the Army, in short, orientation became a continuing training program, the information and education program became an established responsibility of commanders, and information-education personnel, primary and additional duty, became members of the staff or command team in every headquarters and organization.

This publication outlines the principles, purpose, and scope of the information and education program, and describes the duties and responsibilities of information-education personnel. For clarity, it is addressed in large part to the information-education officer at the regimental level, since at that level the information-education officer and his assistants are closest to the troops for whom the program is designed. The reader should have little difficulty in adapting the procedures and suggestions contained in this publication to his own problems. A careful reading of War Department Circular No. 360, 1944, as amended, is essential to a clear understanding of the material contained in this publication.

CHAPTER 1

PURPOSE AND SCOPE OF INFORMATION AND EDUCATION IN THE ARMY

Section I. MENTAL TRAINING OF SOLDIER

1. Importance of Mental Training

All armies now recognize the need for training the soldier's mind, in order to maintain his zeal for work and combat. The United States holds the belief that the soldier's mind should be free, informed, judicious, able to protect itself from sophistry and falsehood, alert and understanding of the larger problems of command, and of his Nation.

Such qualities of mind can grow only in the presence of a free press and freedom of speech, and they can only serve the individual and his democratic society adequately if he has the opportunity to nourish such qualities through information and education.

Free access to information, uninhibited discussion with his fellows, and a common opportunity to pursue self-education are three major resources which support the American concept of the mental training of the soldier in a democratic country.

But troops in vast numbers, on duty all over the world and segregated from familiar sources of news, of understanding of events, and of education, could hardly fulfill the natural rights of members of a democracy to know the truth and to grow through it, unless the Army they belong to would undertake to supply the needs of their minds as well as their material wants. This the Army does through its Information and Education program.

The nature of the Information and Education program in the American Army springs from the essential qualities of the men who make up the Army and the institutions from which they derive. These institutions, and the national traditions which form the American soldier even before he enters the Army, provide him with free access to many sources of information, opportunities for free discussion and opportunities for an unbiased education. These things produce a quality of initiative, self-reliance, and self-discipline which is held to be peculiarly American. When these qualities are combined with adequate military training and equipment they enable the American soldier to defeat the enemy, in many

cases without numerical superiority. Thus, the Army is in this sense the benficiary of the free institutions of America which have provided such qualities for its citizen soldiers.

The Army tries to retain these qualities in its troops, as a careful reading of the Staff Officers Field Manual, FM 101–5, or Military Courtesy and Discipline, FM 21–50, will indicate. But the forces which make for initiative in the Army tend to be offset by many other unfavorable factors. The soldier's food, transportation and equipment are furnished without apparent relation to his own efforts. His officers are forced by the structure and needs of military organization to demand prompt obedience to orders and subordination of the individual, and all too often there is neither time nor interest to make explanation. Indeed to many harassed officers, the easiest and wisest course may seem to consist merely in demanding conformity of the soldier without regard to his basic and valuable American characteristics. But the larger view indicates that such a course would be dangerous indeed.

If army life should be of a nature to change some of the most valuable traits with which the young civilian enters the Army, the Army would not only lose the unique qualities of initiative and self-reliance in its soldiers, but would before long lose the confidence of the American people. The Army cannot be at odds with the Nation on such a basic issue as that of the national character. Indeed, modern wars are not fought by armies alone, but by peoples sustained by belief in their own way of life. So long as American life is based on freedom and respect for the individual, it is necessary that the Army, so far as possible, base its handling of the soldier on the same principles. This is not an easy task; it cannot be accomplished by negative action. The Army must have a positive program, clearly understood and carried out through command channels, so that these American traits do not die from neglect or from lack of material on which to foster their spirit. This it seeks to provide through the information and education program.

It is not enough, however, that troops have access to information in general and an opportunity for free discussion of that information, together with educational opportunities fitted to their personal needs. They must also have access to particular types of information at particular times—either to resolve their doubts about the war and their individual roles in it, or to give them the confidence they need when facing difficult military operations.

The essence of the soldier in war is the ability to engage in battle and defeat his enemies. In the complexity of modern war this ability is often exemplified in duties performed far from

scenes of battle. But war remains simple to this extent: men do come to grips with each other, and the decision, for which all else is preparation, occurs on the battlefield. For this reason, it is the combat soldier who offers the most critical test (though not necessarily the most typical) of the validity of the view held by the United States toward its Armed Forces. If he is informed, and if, on the basis of the information he receives, he develops a positive attitude and an aggressive spirit, the information and education program has accomplished its purpose, namely, to contribute to success in battle.

The great majority of troops however, never engage in actual combat. A mental training program must recognize the needs of those men who are required to work hard and conscientiously in routine assignments, frequently in isolated situations. It must assist newly inducted troops in making the difficult adjustment from civilian to military life, and those for whom the problem is reversed. It must be adapted to the thousands of casual officers and men long absent from familiar civilian surroundings who are without comparable organizational ties in the Army. It must recognize those men whom war has injured physically and mentally. These and similar problems which affect the attitudes of troops are byproducts of military necessity. Wars must be fought in terms of masses; military policies must be determined in the light of over-all military necessity. The soldier should understand that. He should know that inconveniences and hardships do not happen to him as a result of arbitrary decisions by commanders, but that they represent part of his own contribution to victory. To give him this understanding is one of the responsibilities of the information-education officer.

In this buffeting, to which all are subject at one time or another, the information and education program is an alleviating factor. Each soldier has the opportunity to know and understand the common objective; why it is that he and his Nation must carry on until every obstacle to a lasting peace has been overcome; why that objective cannot be gained without the unquestioning sacrifice of his personal comfort, ambition, and, if need be, his life; why, if victory is to be won, the individual must temporarily be subordinated to the larger group. To each soldier, regardless of how insignificant his job may appear, history offers a page on which to record his contribution to the America of the future; to state with what degree of unselfishness and understanding he subjected himself to the vicissitudes of miltary necessity. Among the heroes of the war will be those soldiers who kept faith through the days of dreary routine, unsung but indispensable.

The mental attitudes of troops and their understanding of the

Having provided information in this way, it is a further responsibility of the Army and of the commander to insure that the soldier is permitted to hold varied opinions, without prejudice to his status, short of any that compel his disloyalty to the United States. That the Army is scrupulous in its performance of this responsibility is evident in the care with which the religious beliefs of the soldier are protected.

6. Integrity of Army Information

Control of the program of Army information and education is centralized in the War Department division responsible for its policy and operation. Every effort is made to insure the integrity of the ideas, expression, and materials of the program. The responsibility is a great one, and is to be shared by every officer throughout the chain of command, who is charged with any part of the duty of information and education. To be true to the historical ideals of the United States, the individual soldier's prerogatives of thought and expression, and the Army's traditional position of nonpartisanship—this is the challenge to those charged with the Army's purpose to bring the fullest possible intellectual resources to the Armed Forces, and to do it in the Army's idiom. If the soldier's experience is to be reached, respected, and reflected, the Army must remain faithful to its responsibility to provide free, full, and impartial information to troops otherwise largely cut off from the understanding of events in the world at war.

Section III. GIVING SOLDIER ACCESS TO FREE DISCUSSION

7. Understanding Through Discussion

The information and education program provides a means for soldiers to express and compare their views on matters of general interest through organized group discussion. Discussion periods are provided for both "on-duty" and "off-duty" time. Discussions scheduled for on-duty time are conducted, preferably, upon a platoon basis and are an integral part of the soldier's training. Attendance, therefore, is compulsory. Off-duty discussions are arranged to meet the desires or needs of troops for additional opportunities for discussion; attendance at these off-duty discussions is voluntary.

In both types of discussion periods, *participation* in the discussion is voluntary; each man may express his opinions, but is not required to do so. The soldier may exercise his inherent right of free discussion within the bounds of military security, mili-

tary courtesy and discipline, and commonly accepted standards of decency. This freedom, however, must not be permitted to become *license* for deliberate talk calculated to undermine the confidence of his fellow soldiers in the righteousness of the cause for which we fight, our Allies, our leaders, our faith in our country and its future. This restriction is similar to the self-imposed restriction necessary for successful discussion by any group in a democracy.

8. Responsibility of Discussion Leaders and Privileges of Participants

Subjects discussed by troops in either type of discussion period generally fall into three main fields of ideas. It is essential that the discussion leader distinguish one from the other, and handle specific discussion topics accordingly:

a. IDEAS WHICH ARE BASIC TO THE AMERICAN TRADITION. Such ideas include belief in the integrity of the individual, and a belief in the democratic process of government in the United States; also ideas which flow inevitably from those beliefs, are embodied in the Constitution itself, and are the practical basis for the American way of life. Examples are: that democracy is practical; the belief of Lincoln and Jefferson in the soundness of the majority of opinion of the common man when properly informed; racial and religious tolerance.

As to these, the information-education officer must have an outspoken and affirmative attitude, for these are the fundamentals on which all else we do is based. They are presupposed in the American tradition, and in the acts of democratic government which have given us our national character, by which we take our stand. These fundamentals should inform our whole approach to more specific ideas and subjects. As to these fundamentals, the discussion leader will energetically present to the soldier a concluded opinion.

b. POLICIES OF THE GOVERNMENT. These are expressed in laws enacted by the Congress, in executive orders, and in regulations and directives issued by the War Department. They represent, in the case of Congress, the majority decision of the American people; in the case of executive orders, the exercise of the President's responsibility as the duly constituted head of the Government; and in the case of the War Department, the unified command necessary to the fulfillment of the military mission.

In such matters, the discussion leader has a clear responsibility for explaining to the soldier the reasons for the majority opinion, and the reasons for acceptance by the soldier of the majority decision. The soldier may discuss matters pertaining to

curately; be sure that his programs and materials, and his methods of using them, are within War Department policy and within the objectives of the information and education program; have valid reasons for believing that his own materials are more suitable for a specific situation than those received from higher echelons.

The information-education officer should not overlook the staff resources which may be tapped in relating the weekly discussion to the interests and needs of troops. From S 1 he can obtain data on the awards and decorations within the unit, which add color to a discussion on that subject. S 2 will have information on the history and accomplishments of the unit. S–4 might be requested to prepare material on the place of logistics in winning the war. The special services officer (A&R) is peculiarly fitted to put on orientation shows inorder to drive home information which lends itself to dramatization. These are merely suggestions; the alert I&E officer will think of many ways in which his fellow staff officers can help his program, just as he helps theirs from time to time.

34. Qualifications of an Information-Education Officer

It is as difficult to describe the ideal information-education officer as it is to describe the typical soldier. The scope of his responsibilities best indicates the qualifications an information-education officer should possess. There are, however, two basic beliefs which all information-education officers *must* have, without which they can scarcely be considered qualified.

a. These basic beliefs are—

(1) Belief in the inviolability of the individual. This belief is basic to the American tradition. It is both a religious and an ethical concept, and in its practical application is the basis for the American way of life.

(2) A belief in the democratic processes of government in the United States; that democracy is practical; the belief of Jefferson and of Lincoln in the soundness of the majority opinion of the common man when properly informed. This again is a concept of American life.

He should not only hold these beliefs, but be able to implement them for the commander. He should strongly recommend that these principles be the primary basis of selection of company information-education officers.

b. As practical background, it is desirable that the unit information-education officer have successful experience as a commander of troops, or comparable experience which clearly indicates high qualities of leadership. Desirable civilian background includes experience in one of the following, or similar

Applicant's Exhibit "B"

*MR 1–10
1–5

MOBILIZATION REGULATIONS
No. 1–10

WAR DEPARTMENT,
WASHINGTON, March 5, 1943.

MORALE

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SECTION I

BASIC POLICIES

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1. Scope and purpose. The directives herein are founded on those included in MR—General and MR 1–1 and are intended to set forth in detail those factors which have a decided influence on morale, to show how each of these factors should be dealt with in order to insure a high state of morale, and to indicate the most suitable and practicable organization for the control and supervision of morale factors.

2. Importance.—Morale underlies all aspects of military life. It is born of just and fair treatment, thorough training, and pride in self, organization, and country. The establishment and maintenance of good morale and the prompt elimination at their inception of all conditions tending to produce bad morale constitute a primary function of command.

3. Peacetime procedures.—Peacetime procedures as to morale form the basis for important special measures which must be initiated in a major emergency.

4. Special mobilization procedures.—These regulations include basic instructions applicable to any and all emergencies and set forth special procedures which may be utilized if and when directed by the War Department, according to the nature of the emergency and the method of transition from one to the other.

5. Major factors affecting morale.—*a. Administrative and related factors.*—Almost every activity pertaining to the administration, supply, and training of an army will be found to affect morale either directly or indirectly. Among these activities are—

(1) Development of the individual.
(2) Religious instruction, services, and ministrations.
(3) Promotion and decorations.
(4) Leaves of absence and furloughs.
(5) Discipline.

*This pamphlet supersedes MR 1–10, June 13, 1943.

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(c) Make provision for the care of women and children while visiting in the camp, including the maintenance of an up-to-date list of accommodations available in adjacent communities.

(d) Conduct a cafeteria for the benefit of visitors to camp.

e. Other services.—In addition to the hostess service as indicated in *d* above, other services, including technical, domestic, and janitor services, will be provided as required.

28. **Organizational clubs.**—Clubs other than service clubs will be as authorized by local commanders. Buildings, if available, and heat and light only will be provided by the War Department. Organizational clubs will furnish club features in which women are not included.

29. **Off-duty education.**—*a. General.*—The off-duty education program of the Army will be expanded upon mobilization to provide educational opportunities to all service men wherever stationed. This is to be accomplished by an extension of facilities for correspondence study, group instruction, and library service.

b. Objects.—The objects of the off-duty education program are to provide educational opportunities to meet the requirements of the command, to furnish assistance to personnel of the Army who lack educational prerequisites for assignment to duty which they are otherwise qualified to perform and to meet the requirement for promotion, to enable those whose education is interrupted by military service to maintain relations with educational institutions and thus increase the probability of the completion of their education upon their return to civil life, and to improve the value of Army personnel as citizens upon return to civil life.

c. Responsibility.—Planning, initiation, stimulating, and facilitating the off-duty education program is the responsibility of the Director, Special Service Division.

d. Correspondence study.—The facilities of the Army Institute (AR 350–3100) will be expanded upon mobilization to meet the increased demand for correspondence courses. In time of war or state of national emergency all courses must be approved as contributing to military efficiency; new courses are to be provided to meet the needs of the service. Arrangements with publishers and educational institutions to give instruction by correspondence to Army personnel, to purchase text material or syllabi for use in Army Institute courses, and to arrange for reproduction of text material or syllabi written or developed by publishers and educational institutions will be expanded.

e. Group instruction.—Upon mobilization facilities for group instruction will be extended. Arrangements for developing and supplying teaching aids, written, visual, and auditory, will be expanded as deemed advisable. Liaison will be established with foreign educational officials and foreign universities and colleges to make foreign educational facilities available to Army personnel.

30. **Army library service.**—*a. General.*

(1) The Army library service in mobilization will be an expansion of that service as operated in peacetime.

(2) The size of libraries and personnel employed therein will be appropriate to the command served (AR 850–80).

(3) Books for the Army library service will be procured and distributed by the Director, Special Service Division, or by commanding generals of service commands, as may be indicated.

[fol. 321] APPLICANT'S EXHIBIT "C"

[Restricted]

ARMY TALK

ORIENTATION FACT SHEET 51

War Department—Washington 25, D. C. 23 December 1944

What This Orientation Deal Is All About

Note to the I and E Officer: The subject of this week's issue, originally planned for 25 November, brings the remaining subjects as published in ARMY TALK 45, 11 November, back to their originally scheduled dates. This issue explains what Army orientation is and why we have it. The discussion should emphasize: (1) American Army orientation, unlike Axis indoctrination, is based on the principle of promulgation of truth; (2) It seeks to have the men achieve clear understanding of issues through participation in free and open discussion; (3) It is designed to make our men "the best informed soldiers in the world" so that we may handle ourselves better as soldiers in the war and as citizens in the peace years ahead. Additional discussion questions are grouped in a separate box.

THE people of the United States were mentally unprepared for the war. When it came, it was described as a "stunning blow". We suddenly realized that the Axis powers were out to "get" us.

We were angry. We easily grasped the fact that we had been attacked, but many of us were confused as to *why* we were attacked. We realized that we had to defend ourselves. But many of us did not fully understand the sacrifice and devastation that a total war for survival involved.

The Axis knew we were unprepared and tried to make the most of our unpreparedness. They knew we didn't want war. They knew that we had no ambitions for world domination, or "lebensraum", or enslavement of unarmed minorities, or enthronement as a "master race". Knowing this, their propagandists sought to divide us and weaken our will to fight, to sell us the idea that the war was the fault of our leaders and not of the Axis, to confuse us so that we could not achieve an all-out effort. They had succeeded in

confusing and dividing some of the Poles, French, Chinese and the rest of their victims. They had high hopes of confusing and dividing us.

Enemy propaganda can only succeed in its purpose if we do not understand what is actually at stake in this war. And even if Germany and Japan did not attempt to infect us with their propaganda, it would still be important for us to understand why we must sweat out our time in the Army. Whether in combat or toiling at endless supply tasks we should know why the danger and the drudgery are necessary. Understanding strengthens our ability to overcome the Axis soldier and to meet squarely the problems we'll face once the fighting stops.

Our enemies' last hope is based on the fact that many of us are uncertain in our own minds as to what is at stake. They still dream that, because of weariness or confusion or both, we will give them terms which will enable them to start World War III.

Know The Score

(Question: What do we mean by orientation in the Army?)

Usually we think of orientation in connection with maps. When our map is properly lined up with familiar objects on the ground and the cardinal points of direction, by which we can find our position on the map, we are "oriented". We have everything in the right perspective, and by glancing at our map, we can correctly tell where we came from, where we are, and what lies ahead.

In terms of the present discussion, orientation is the process of helping us to find out where we stand, who our friends are, who our enemies are, what must be done to deal effectively with our post-war problems, and why. It tries to offer us facts and knowledge which will help us meet new situations with maximum effectiveness, whether we run into new situations on the battlefield, in an isolated station, in a routine Army job, or after returning to civilian life. Orientation tries to help us "know the score".

Orientation must be a continuing process. Just as we constantly orient our map while traveling, so must we constantly line up the facts so that we'll always know where

we stand on events that affect us. The catch is that all armies claim to keep their men oriented. Obviously, some [fol. 322] one is lying, since the real facts cannot support

AN "ORIENTED" GERMAN

(Letter written by Gottfried Lesko, German flier)

"Maybe you are American. One boy of my crew would have said that you are infected with the bacillus of democracy. I think everything you write about democracy is just phrases. What is liberty, anyhow? I for one have always found that it is much easier if someone tells you what to do. The point is, where would we be if everybody in the world were to make his own life? We don't know what's good for us. I don't only mean that it's better for the whole nation when one man decides. It's also better for each of us. It's easier to do a job if you are told what to do than to figure it out for yourself."

both sides of a conflict. Let's look at some typical German and Japanese "orientation" methods.

2 plus 2 = 6

(Question: Why doesn't the Axis tell its soldiers the complete truth?)

Goebbels, the German propaganda chief, once boasted that "we have made the Reich by propaganda". Japanese domestic broadcasts state "those who are born in Japan are born of God". The Axis soldiers have been thoroughly indoctrinated along "master race" lines, and from that false starting point the enemy's "orientation" programs "take off".

Today we have captured a sufficient number of prisoners and documents to see what that means. The severe defeat, suffered by the Japanese Navy in October was dished out to the Japanese troops as a great victory.

German prisoners captured last July in Italy knew nothing about the then current Russian offensive. Japanese taken prisoners in the Pacific thought they were fighting in California and Texas. German prisoners brought to this country insist that New York City has been leveled to the ground. By radio, newspapers and formal lectures, Germany and Japan have tried to maintain in their troops the

illusion of approaching victory. Both facts and opinion have been ruthlessly suppressed to keep the Axis soldiers from knowing the real score.

Illusions Versus Truth

The chief difference between the orientation of our Army and that of Axis forces arises from the difference between democracy and fascism. The Axis, having created their aggressor states by selling lies, cannot suddenly change to telling the truth.

We have no such problem. Our government never told us we were created to rule the world. The policy of our Army (War Department pamphlet 20-3) declares that "the fundamental principle of American information about the war is that we will speak the truth . . . there is never any justification, in any circumstance, for the employment of material which is known to be false".

Contrast this with Hitler's avowed policy set forth in Mein Kampf: "A definite factor in getting a lie believed is the size of the lie. The broad mass of the people, in the simplicity of their hearts, more easily fall victims to a big lie than a small one."

With this in mind, German political officers have told their troops that the allies intend to marry all German women to members of the occupying troops, while the Japanese blithely continue to inform their men that the American Navy has been "annihilated"—by now for the fourth time!

While the Axis feeds its men illusions, our Army has been steadily giving us facts, encouraging us to understand the essentials of why we're here and what lies ahead.

Why Orientation?

(Question: Does it help a man to be a better soldier if he understands the score?)

The most important belief we can have is a sound faith in democracy, built on a conviction that every individual has certain rights that must be respected. These are basic concepts of decent human existence which our orientation program helps us to understand.

During a war we are all under special strain. We were

scorned by the Axis as "decadent" in our refusal to believe that the individual exists only for the State. Some of us were irritated at the delays made necessary by our democratic procedure. Once in the Army, we temporarily had to give up our individuality to work as a disciplined team toward the big goal. (We learned, for example, not to talk back—in an Army that fights to preserve freedom of speech for America.) It would be comparatively easy for our thinking to become muddled during a period of military reverses and prolonged personal hardships. Only by knowing the score can we keep events in their true perspective. There are six basic orientation objectives.

Six Orientation Objectives

1. *Why We Fight*

On 7 December 1941 we knew we had been attacked but we were troubled over *why* we had been attacked. In a [fol. 323] democracy like ours it is not enough to fight the enemy merely because we've been ordered to. Our fighting has a purpose, and the better we understand that purpose the quicker we'll fight the war through to a successful end.

The reasons why we fight are becoming increasingly important as our offensives against Germany and Japan drive nearer our ultimate objectives. By understanding these reasons we can understand the necessity for *complete* defeat of Germany, and *complete* defeat of Japan. Through orientation we get a true view of events and can figure out where we fit in the big picture.

2. *Know Your Enemies*

It's common sense to learn to size up your opponent. The more each of us knows about the enemy's tactics, tricks, mentality, beliefs, armament and training the easier we'll be able to overcome him. Only by knowing our enemy can we take advantage of his weaknesses and counter his strong points. This is just as true for the buck private as for the G-2 of the General Staff.

We always made it a point to know all we could about our opponent in a sports contest. Army orientation tries to give us the same sort of advance information, but with one difference. A game has rules and ends with the referee's

whistle. In combat there are no rules, and we fight until the other guy's knocked out. The more each of us knows about our opponent the better able we'll be to beat him.

3. *Know Your Allies*

We're far from alone in the war against the Axis. Nearly all the civilized nations, including some a lot of us never heard of before, are with us in fighting Germany and Japan. Some, like the Soviet Union and Great Britain, have suffered far more than we have. Without them on our side we would be far from the victory toward which we're moving in Europe and we would not have come as far as we have in the Pacific.

Knowing these allies of ours serves a two-fold purpose. Since thousands of us work side by side with them, we gain efficiency and closer cooperation by a sympathetic understanding of their problems and national characteristics. In the post-war years, we must continue this close cooperation if we are to hope for a lasting peace.

4. *News—Its Significance*

Knowing the news and its significance permits us to know what the score *really* is and not what some enemy spellbinder would like to have us guess it is.

Our Army wants the American soldier to be the best informed soldier in the world not because of the volume of information available to us but because of the accuracy of the information that we do get.

American troops are not led to believe they are fighting in Berlin when they're fighting in Aachen. We are not led

JAPANESE ORIENTATION

(Japanese "instructions for those who are in the battle lines".)

"Rectify your mind, cultivate your body and believe in the divine spirit of the emperor—with the protection of the divine spirit you are ashamed of nothing. These are the instructions from the divine spirit. In the fighting lines you must remember the will of your parents and the great principles of loyalty and do what your great ancestors had expected of you. All those of you who are in the Armed Forces must remember these words and must perfect your duty as soldiers so that you will swim in the bathtub of his imperial graee."

to believe we are attacking the Japanese homeland when we invade the Philippines. We know where we stand in the war, because we get the straight news, *good or bad*. We don't get Axis-style fairy stories.

Our individual appraisal of the news calls for clear, level-headed thinking. We know that we have Germany on the brink of defeat but we must remember that we still have plenty of hard fighting to do. We must realize that we must next concentrate all our energy on Japan and be prepared for the possibility of a long fight. Knowing the news and the meaning behind it is our best way of knowing the score —right up to date.

5. *Pride In Outfit*

The soldier who thinks the whole Army is snafu, and his outfit is no good, and its mission is useless, and his job is unimportant—is very likely to be unhappy and unable to do his best job. The fostering of pride in outfit is a responsibility of all echelons of command.

Army orientation, generally speaking, can assist the unit commander in fairly broad terms, pointing up the over-all efficiency of the Army itself, the importance of each of the various arms and services and the over-all success which has been achieved. It is up to the leaders of units, locally, to help the men see the link between the job of the outfit and the big successful operation. Without this, Army orientation is likely to fail. It must be supplemented within the local command if the total job is to be done.

6. *Faith In America*

Faith in the United States and its future is not just a high-sounding phrase. It's the faith that makes this entire war worth fighting for, primarily it's a belief in ourselves and our people back home.

Our Army orientation does not attempt to impose on us a [fol. 324] blind faith which closes our eyes to faults such as unemployment, poverty, race riots and other unsolved problems. None of us is fighting to preserve those ugly marks

on our record. We're fighting to keep the goods things in America for ourselves and to change the bad things as we see fit—without the assistance of a gauleiter (Gow-Liter) from outside.

Once Germany and Japan are licked, we'll come home to problems aggravated by the war. Millions of men will be demobilized just as quickly as the services can spare them and provide the necessary transportation facilities. When that happens, we'll have to readjust our personal lives to civilian status. As citizens we must be prepared to participate in supporting plans for assuring world peace and returning America to peacetime prosperity.

Our problems will be many, and complex. Not all of them can be solved overnight. Our Army orientation cannot solve these problems for us, but can only help us understand the nature of the issues that we'll confront.

Our Army Program

The basis of our orientation program is the distribution of straight information from which we can interpret events. This is done in various ways.

Nearly all of us are familiar with the Army's "Why We Fight" films. Through these and other movies we have been given sharp, authentic pictures of many of the issues at stake. We have become better acquainted with our allies. We have learned about our enemies.

Wherever American troops are stationed, and whenever battle conditions permit, a brief, oral weekly summary of the news is required by WD Circular 360, which has set aside one undivided hour per week for the sole purpose of orientation. The remainder of the time is devoted to a discussion of the news or some special topic of general interest.

Many of these discussion topics are based upon an Army orientation guide known as ARMY TALK prepared by officers and enlisted men with extensive service in the U. S. A. and overseas. This publication, available to discussion leaders, carefully analyzes specific subjects and gathers the facts in the case. Unpleasant truths are presented as well as the favorable, so that the soldier can grasp an issue in its

entirety. Armed with these facts, a group leader conducts a discussion among his men who are encouraged to express

THE QUESTION BOX

1. *Does the Army need to orient its men?*
2. *Do the men need it?*
3. *Does orientation help us as fighters?*
4. *Will it help us as citizens?*
   a. *To get a job and make a place for ourselves in the community?*
   b. *To join effectively in public decisions?*
5. *Is it just a lot of propaganda?*
6. *Does the Army try to get information to us?*
7. *What methods does the Army use to help us understand the issues?*
8. *Does the Axis deliberately misinform its men?*

their own views. In this manner, doubts and misconceptions are cleared up by frank, open discussion.

Fighting With Our Eyes Open

Our method of gaining an understanding of the cause, progress, and effects of this war is probably more painful to us than the Axis system of propagandizing their troops. We have been aware of our defeats as well as our victories. We don't glorify war; we recognize it as something rotten and filthy as well as grimly necessary. We realize that to win the last battle will not automatically solve all our future problems.

But we have not been sold a bill of goods about our invincible armies that "never, never have retreated"; we have not been told that war is beautiful and a soldier's heaven awaits us if we die in battle; we have not been put on pedestals to lord it over the rest of our fellow-men, and promised Utopia once the war is won. These are illusions the Axis feeds its men.

Our orientation program is founded upon simple truths to which all of us can testify. We believe in democracy and at the same time recognize faults in its operation. We believe we have certain inalienable rights as individuals, even though as soldiers we obey orders and have tempo-

rarily given up some of those rights in order to assure their performance in the future.

Army orientation simply tries to strengthen these beliefs by helping us to understand the score.

Next Week: GUERRILLA FIGHTERS—MOSTLY ON OUR SIDE

[Restricted]

Prepared by Army Orientation Branch, Information and Education Division, ASF [A.G. 353 (16 Jan. 44).]

[fol. 325] APPLICANT'S EXHIBIT "D"

National Jewish Monthly, July-August, 1944

WHY I AM IN THIS FIGHT

A July 4 Statement By a Jewish Fighter For Freedom

By Lt. Raphael Konigsberg

Raphael Konigsberg is a first lieutenant in the Medical Administration Corps of the U.S. Army. His home is Los Angeles, where his wife and baby daughter live and where he was a social worker for ten years at the Los Angeles Sanatorium. He has just gone overseas. His three brothers are also in the armed forces overseas, one as an Air Transport Command pilot in India, one as a bomber pilot in Italy, and the third as an artillery gunner in the Canadian Army in England.—*Editor.*

July-August, 1944

EVERY person in uniform asks himself at some time: Why am I in this fight? What is my stake as an individual in this total war? And sooner or later each one of us must give himself an answer.

It is not enough to say: "Hell, I was drafted," or even, "I enlisted." While it may be that the soldier who enlisted has a clearer, more positive reason for being in the Army, nevertheless the draftee can also find deeply personal and satisfying reasons for being in uniform—if he understands that in a democracy it is the people (of whom he is one) who draft themselves to serve their country in its hour of peril.

In answering this question for myself I find that the simplest, most accurate reply is: I am in the army because I am selfish.

I want and need certain things which I know I will never have unless the United Nations win this war; things which I know I could never enjoy (even if they had been won and made available to me) unless I did my share in securing them for my side.

I want economic security for my family and myself. A minimum of economic security is the basis of everything else: hungry, desperate men cannot be good parents, good neighbors or good citizens; they cannot enjoy life or contribute to it.

I want also to feel free to follow certain professional and cultural interests. I know that if Fascism wins, all this will

be impossible. So I must help defeat Fascism. I know I cannot do this alone. (I have never been seduced by that diseased shibboleth "individualism"—which has retarded our national growth for generations.)

I want to live like a man, not like a slave; to live in dignity while striving for the realization of the promises of manhood and civilization. I cannot expect others to fight and die for this liberty and hand it to me.

I want the United States of America to be a mighty democratic nation. Only such a land can guarantee to me and mine the things we hold indispensable to a useful, honorable life. I am a Jew.

I know that democracy can be lost, and how it can be lost. I have learned that if Fascism comes here I myself will be to blame—if I have not done everything in my power to prevent it. If I do the best I can now, I will not have to reproach myself later, win or lose. I feel personally responsible for my country's fate. I want to help shape America's future.

I want to be a good citizen. I happen to believe that man does not live for himself alone, that the rewards which really count in life come not from material gain and personal power, but from service to the community. The field of service I have picked for myself is that of good government.

A good citizen believes that his government has the right to ask a price of him for the privilege of citizenship—such as fighting for it when it is in danger—and he is eager to pay that price.

I want recognition—the kind accorded a good neighbor and a good citizen for carrying his share of the load. This is for me a basic psychological need. In one way or another we all want to be appreciated, to feel useful. For we all recognize—whether we admit it to ourselves or not—that life must mean something more than eating, bickering, dying, that it must be for some more honorable purpose than beating the other guy in a deal and showing up the Joneses.

Human beings must fill this void in their lives, this deep hunger for an assurance of worthiness. Some do it with charitable work; some by joining clubs; some by losing

themselves in a hobby; some give way to heavy drinking; some are very fortunate in finding all their satisfactions in their chosen life's work.

My profession is social work, the furthering of human welfare, which ultimately means insuring good government —and which now means crushing Fascism, fighting to build such an enriching socially-constructive way of life in our country that this void will not exist in the hearts and minds and souls of Americans, of people of good will throughout the world.

The fact that the United Nations are now making a full-time job of my chosen work is to me the vindication of my whole life.

[fol. 326] Applicant's Exhibit "E"

The State Bar of California

Committee of Bar Examiners

Southern Subcommittee

Los Angeles

In the Matter of the Application of Raphael Konigsberg.

List of Persons Testifying to the Character of Raphael Konigsberg.

Attorneys:

Paul Major, 109 W. 7th St., San Pedro.

Herbert W. Simmons, Jr., 315 W. Vernon Ave., Los Angeles.

Mortimer Vogel, 1250 Wilshire Blvd., Los Angeles.

Businessmen:

Albert C. Bricker, President, Schneider & Bricker, 2324 W. 8th St., Los Angeles.

Aaron Fefferman, Treasurer, Beckman, Hamilton, Inc., 365 S. Fairfax Ave., Los Angeles.

H. Claude Hudson, President, Broadway Federal Savings, 4329 S. Broadway, Los Angeles.

David Melinkoff, Retired, 3783 Effingham Pl., Los Angeles.

Harry Rorick, Ray T. Ebert Co., 922 N. Formosa Ave., Los Angeles.

Max Schechter, President, Plyline Mfg. Co., 5525 McKinley Ave., Los Angeles.

George Stiller, President, Stiller-Rouse, 6399 Wilshire Blvd., Los Angeles.

James L. Tuma, Sec'y-Treas., US Geophysical Corp., 6912 Hollywood Blvd., Los Angeles.

[fol. 327] Nat Zausner, President, Portion Foods, Inc., 200 S. Lake St., Los Angeles.

Doctors:

Diego Bermudez, M.D., 132 N. Soto St., Los Angeles.
H. I. Lee, M.D., 6333 Wilshire Blvd., Los Angeles.
A. E. T. Rogers, 1665 Irivine Ave., Costa Mesa.

Ministry:

Rabbi Jehudah M. Cohen, 900 Hilgard Ave., Los Angeles.
Rt. Rev. Msgr. T. J. O'Dwyer, 1531 W. 9th St., Los Angeles.
Samuel Tierman, Asst. Secy., Wilshire Blvd. Temple, 636 S. Hobart Blvd., Los Angeles.

Professors:

Ronald F. Brown, Chairman, Dept. of Chemistry, Univ. of S. Calif., Los Angeles.
Pendleton Howard, School of Law, USC, Los Angeles.
Victor S. Netterville, School of Law, USC, Los Angeles.

Social Workers:

Chauncey A. Alexander, Exec. Dir., S. Cal. Society-Mental Hygiene, 3067 W. 7th St., Los Angeles.
Nonette Batavia, 9800 Vidor Dr., Los Angeles.
Joseph Esquith, Field Dir., Jewish Centers Assn., 590 N. Vermont Ave., Los Angeles.
Harry I. Freedman, Asst. Dist. Supt., State Dept. of Educ., Bureau of Voc. Rehab., Los Angeles.
Zebulon L. Gulledge, State Dept. of Educ., Bureau of Voc. Rehab., Los Angeles.
Helen Hackett, Asst. Exec. Secy., Welfare Council of L. A., 729 S. Figueroa St., Los Angeles.
Esther Nasatir, Act'g Dir., Mt. Sinai Clinic, 207 N. Breed St., Los Angeles.
Jeanne G. Young, Dir. Med. S.S., Cedars of Lebanon Hosp., 4833 Fountain Ave., Los Angeles.

[fol. 328] *Other Professional:*

Morris Browda, Assoc. Editor, Calif. Jewish Voice, 406 S. Main St., Los Angeles.

Gerald Kraemer, Reg. Pharm'st, 1411½ Pointview St., Los Angeles.

Nathan Paul Chief Techn'n, City of Hope, Duarte, Cal.

Other Persons:

Mrs. Louis H. Waldeck, 6410 Lindenhurst Ave., Los Angeles. (Was member of executive board of Citizens Committee for Better Education which sponsored Konigsberg's candidacy for L.A. School Board election in 1947.)

Mrs. Jean Sieroty, 1002 N. Rexford Dr., Beverly Hills.

Mrs. Thomas E. Workman, 678 Lorraine Blvd., Los Angeles.

NOTE: Included also are letters from five social workers and an attorney (from among the many) written on Konigsberg's behalf when he was dismissed from his post with the State Relief Administration in 1939. They are offered here because they are the opinions of leading persons in the community at the time, with whom Konigsberg was closely associated, when his character was in issue.

C. Gardner Bullis, Attorney, 605 W. Olympic Blvd., Los Angeles.

Mathew P. Adams, Exec. Secy., Children's Home Soc., Pasadena.

Harry F. Henderson, Former Exec. Secy., YMCA, Los Angeles.

Ernestine Lewin, L. A. County Probation Dept., Los Angeles.

Mary Stanton, Exec. Secy., Council of Social Agencies, Los Angeles.

Dorothy Wysor Smith, Exec. Secy., Travelers Aid Soc., Los Angeles.

[fol. 329]

MAJOR & MAJOR

Attorneys at Law

109 West Seventh Street

San Pedro, California

TErminal 2-1121

Paul Major Sam Major

January 6, 1954

To the Committee of Bar Examiners:

I have known Mr. Raphael Koenigsberg for about six years, both prior to and after his connection with the tuberculosis sanatorium at Duarte, and throughout the time that he was studying law preparing himself for the bar examination.

My recommendation here is not lightly given. For four years I taught law at the Pacific Coast University and gave a quiz course on three different occasions. I have had many students consult me about personal problems in connection with their applications for taking the California bar examination. As a consequence, I feel that I am not without some experience in judging the characters and abilities of bar applicants in general.

I recommend Mr. Koenigsberg unreservedly as a person of high moral principle and character. He has an excellent reputation and should be a real credit to the bar. He is a much more profound person than the average bar applicant and exhibits a social consciousness which, in my opinion, is unfortunately too rare among applicants.

I fully expect that he will have no difficulty making a passing grade.

Sincerely,

Paul Major

PM:dh

[fol. 330]

HERBERT W. SIMMONS, JR.
Attorney and Counselor at Law
315 West Vernon Avenue
Los Angeles 37
ADams 7213

December 18, 1953

Committee of Bar Examiners
Los Angeles, California

Re: Raphael L. Koenigsberg

Gentlemen:

I have known the above named person for a period of approximately four years. My acquaintance with him has been both on a business and social basis.

During my acquaintance with him, I have had many opportunities to observe his personality and character.

I can say, without any mental reservation, that he has all the characteristics which I personally think are necessary to a good law practitioner. I find his intelligence, honesty and integrity to be of the highest calibre.

If I can be of any further assistance to you in this matter, please don't hesitate to contact me.

Respectfully yours,

Herbert W. Simmons, Jr.

HWS:bp

[fol. 331]

MORTIMER VOGEL
Attorney at Law
1250 Wilshire Boulevard—Suite 601
Los Angeles 17, California
MIchigan 3655

Dec. 28, 1953

Committee of Bar Examiners
440 Rowan Building
458 South Spring Street
Los Angeles, California

Gentlemen:

At the request of Raphael Konigsberg, I am writing this letter. I have known Mr. Konigsberg for several years and have met both his wife and children. I have always found him of the highest moral character. I know that he is sincere, trustworthy and righteous. There is no question or doubt in my mind that he is of good moral character, and has the characteristics necessary to measure up to the highest standards of any member of the California Bar.

If there is any additional information that you may desire, I shall be happy to try to furnish same.

Very truly yours,

Mortimer Vogel

MV/KK

[fol. 332]

BECKMAN, HAMILTON &
ASSOCIATES, INC.

Advertising

365 South Fairfax

Los Angeles 36, California

WEbster 0106

December 16, 1953

Committee of Bar Examiners
Los Angeles, California

Dear Sir:

I have known Raphael Konigsberg for approximately fifteen years, both socially and in business dealings. He has at all times conducted himself ethically and I would consider him to be especially suited to the practice of law. He is a good family man and has no bad habits of which I am aware.

Very truly yours,

Aaron Fefferman,
Treasurer,
Beckman, Hamilton &
Associates, Inc.

AF/ks

[fol. 333]

SCHNEIDER & BRICKER
Insurance
2324 West Eighth Street
Los Angeles 5, California
DUnkirk 2-7331

December 15, 1953

Committee of Bar Examiners
Los Angeles, California

Gentlemen:

Mr. Raphael Konigsberg has asked me to write you with regard to my opinion of his character and ability, and I am pleased to have this opportunity to do so.

I have known Mr. Konigsberg for approximately eight years as a man of integrity and of the highest moral character, concerning which, to my knowledge, there has never been any question. Throughout the years I have known Mr. Konigsberg he has impressed me as an unusually intelligent and capable person eminently suited for practice in the legal profession.

I trust this is the information you require and that you will not hesitate to let me know if I can be of further assistance to you in this matter.

Very truly yours,

Schneider & Bricker
Albert C. Bricker

ACB:sa

[fol. 334] BROADWAY FEDERAL SAVINGS AND LOAN ASSOCIATION OF LOS ANGELES

4329 South Broadway

Los Angeles 37, California

ADams 3-7246

H. Claude Hudson, President

Zella M. Taylor, Secretary

December 18, 1953

Committee of Bar Examiners
% Edward Mosk
6305 Yucca Street
Hollywood, California

Gentlemen:

About six years ago I met Mr Konigsberg under very favorable circumstances. We were both candidates for the Los Angeles City Board of Education. During the period of the campaign I had an opportunity to learn a great deal about the ideals and aspirations of my associate candidate. Over a period of six months our discussions and exchange of opinions were most cordial and intimate. In his public statements and private remarks to me I had an opportunity to observe him. During this period of time I never heard him make a statement that would make me feel that he was not a man of strong character and a believer of democracy and the American idea.

I have occasionally visited his home since the campaign and I am convinced that he is morally fit for the practice of law and an American who is desirous of social progress. I consider it a privilege to address this communication to you.

Sincerely yours,

H. Claude Hudson, D.D.S., L.L.B.

HCH:jj

[fol. 335] December 15, 1953

Committee of Bar Examiners
Los Angeles, California

Gentlemen:

I appreciate the opportunity of writing to you at the request of Raphael Koenigsberg.

My first acquaintance with him goes back to about 1939. Although first impressions are not always infallable, in this case I venture to say my initial judgment still stands.

During the last two decades, Mr. Koenigsberg has been a frequent visitor at our home. I have had occasion to see and hear his reactions under various circumstances. Emotionally, as well as intellectually, he is well balanced, level headed, and possesses a boundless reserve of integrity. These characteristics, in my humble opinion, are indispensable in a person planning to practice in the legal profession.

Hoping you will give favorable consideration to Mr. Koenigsberg, I am

Very truly yours,

David Melinkoff

[fol. 336] COST-CUTTING PACKAGING

With Jiffy Padded Shipping Bags, Pads, Sleeves

RAY T. EBERT COMPANY

922 North Formosa Avenue

Los Angeles 46, California

HOllywood 3-5684

December 14, 1953

Committee of Bar Examiners
Los Angeles, California

Gentlemen:

I have known Mr. Raphael Konigsberg for the past ten years and can recommend him without reservation as being a highly honest, reliable and ethical person.

I think that he would make an excellent lawyer and undoubtedly will contribute a great deal to the profession.

If I may be of any further assistance, I will appreciate your calling me.

Sincerely yours,

Harry Rorick

HR/jj
cc: Edward Mosk
Raphael Konigsberg

[fol. 337] PLYLINE MANUFACTURING COMPANY

December 24, 1953

Committee of Bar Examiners
Los Angeles, California

Gentlemen:

I have known Raphael Konigsberg for the past ten years, and would vouch for his character and citizenship.

I know him as a responsible family man, and as a person who has taken a keen interest in civic affairs that affect our community. His integrity, his genuine in-

terest in people, and his active participation in community affairs, are all attributes which I feel would make him an outstanding attorney and a credit to the legal profession.

Very truly yours,

Max Schechter

MS:RA

[fol. 338] CITY OF HOPE MEDICAL CENTER

Duarte, California

Department of Laboratories

December 15, 1953

Committee of Bar Examiners
Los Angeles, California

Gentlemen:

I have known Raphael Konigsberg since November 1946 when I entered employment in the Clinical Laboratory of the City of Hope. I have found him sincere, responsible, and extremely honest. He has given himself full heartedly to every project he has undertaken and to any individual who came for advice or help.

His character is excellent and I believe he would make an excellent lawyer.

As Director of Social Service at the City of Hope he was not only interested in the patients' problems but also anxious to see that the other facets of life such as cultural and religious were attended to.

[fol. 339] He has shown a strong interest in Community affairs such as Community Centers, Nursery Schools, and the Public School System.

I am a Clinical Laboratory Technologist employed at the City of Hope in the Clinical Laboratory as Chief Technician since 1946. I have lived in the Los Angeles area since 1923, except for my three years (1936-39) at the University of California at Berkeley and my five years in the army of the United States (1941-1946).

Since Mr. Konigsberg and I both lived in Los Angeles and worked in Duarte, we pooled our cars during 1946-1948 and hence saw each other daily. After I moved to Sierra Madre (1948) and Arcadia (1950) we saw each other frequently whenever I was in Los Angeles.

Trusting this information will be of value to you,

Sincerely,

Nathan Paul

[fol. 340]

PORTION FOODS INC.
200 South Lake Street
Los Angeles 4, California
DUnkirk 3-0993

December 15, 1953

Committee of Bar Examiners
Los Angeles, California

Gentlemen:

I consider it a privilege to be able to state my opinion about my friend Mr. Raphael Konigsberg.

Throughout the years of our friendship I have developed a high regard for his high principles, moral integrity and great ability. I should especially call your attention to his unselfish interest in civic affairs toward the improvement of the under-privileged groups in our community.

It is my considered opinion that Mr. Konigsberg will make an excellent attorney and will be a credit to the profession of law.

Very truly yours,

Portion Foods Inc.
Nat Zausner,
President.

NZ:m

[fol. 341]

SCHNEIDER & BRICKER
Insurance
2324 West Eighth Street
Los Angeles 5, Californ
DUnkirk 2-7331

53

Committee of Bar Examiners
Los Angeles, California

OMIT-DUPLICATION

Gentlemen:

Mr. Raphael Kon ...e to write you with regard to my op... ...er and ability, and I am pleased to ... ...ty to do so.

I have kn... ...g for approximately eight years as ... and of the highest moral charact... ...n, to my knowledge, there has never ... ... Throughout the years I have kn... ...g he has impressed me as an un- ... and capable person eminently suited ... the legal profession.

...s the information you require and that you ...tate to let me know if I can be of further to you in this matter.

Very truly yours,

Schneider & Bricker
Albert C. Bricker

ACB:sa

[fol. 342] STILLER-ROUSE & ASSOCIATES

Advertising and Public Relations

6399 Wilshire Blvd.

Los Angeles 48, Calif.

WEbster 3-5961

December 15, 1953

Committee of Bar Examiners
Los Angeles, California

Gentlemen:

I have been personally acquainted with Mr. Raphael Konigsberg for over ten years, having met and worked with him prior to his Army service during the war and also after his return to Los Angeles from overseas service.

It is my firm and sincere conviction that he would be a worthy addition to the legal profession because of his wide educational background, his integrity and his high character.

Coupled with these valued attributes is another I deem essential in an attorney—a warm and human personality, deeply interested in people, as people, and in helping solve their problems.

As indicated by the above letterhead, I am a partner in the firm of Stiller-Rouse and Associates, a general advertising agency.

Respectfully submitted,

George Stiller

GS:sk

[fol. 343] U. S. GEOPHYSICAL CORPORATION

Verified Seismic Survey

Airborne Geophysics

6912 Hollywood Boulevard

Hollywood 28, California

HO. 9-5415

December 31, 1953

Committee of Bar Examiners
Los Angeles, California

Gentlemen:

This letter refers to the character of Mr. Raphael Konigsberg. I met Mr. Konigsberg in July 1949 at the City of Hope Sanitarium at Duarte, California where I was engaged in a survey of the personnel and administration of the Institution, to improve personnel relations and reduce costs.

It was necessary for me to become intimately acquainted with the executive and department heads, and evaluate their ability, performance and value to the institution.

Mr. Konigsberg was at that time Director of Services and Rehabilitation. The departments directed by him were of vital importance in administering the needs of the patients from the date of entry to the date of discharge. It required a great deal of humanitarian understanding and guidance to keep the patients contended, so vitally necessary to the recovery from tuberculosis.

I was in close contact with him for a period of six months and know that he has a very fine character, good judgment, and a trained mind for detail and research. I am satisfied that he is fully qualified to become a good and successful lawyer.

For the last fifteen years I have been a Business Consultant and Management Engineer specializing in administration, organization, personnel relations, costs, systems, etc.

At present I am Secretary and Treasurer of the U. S.

Geophysical Corporation, specializing in the location of oil and uranium resources in the United States, Canada and Mexico.

Yours very truly,

James L. Tuma

[fol. 344]

PORTION FOODS

200 South Lake

Los Angeles 4,

DUnkirk

Dec.

Committee of Bar Exami
Los Angeles, Californie

Gentlemen:

I consider it a p ole to state my opinion about my friend nigsberg.

Throughout t' friendship I have developed a high re a principles, moral integrity and great ab especially call your attention to his unse civic affairs toward the improvemen privileged groups in our community.

It is opinion that Mr. Konigsberg will make orney and will be a credit to the profess

OMIT-DUPLICATION

Very truly yours,

Portion Foods Inc.
Nat Zausner,
President.

[fol. 345]

DIEGO BERMUDEZ, M. D.
132 North Soto Street
Los Angeles 33, California
ANgelus 5983

December 14, 1953

Committee of Bar Examiners
Los Angeles, California

To whom it may concern:

Re: Mr. Raphael Konigsberg

This is to certify that I have known the above mentioned person since 1947. Mr. Konigsberg and I worked together at the City of Hope, Duarte, California where Mr. Konigsberg was director of the Social Service Department.

I am pleased to state that I believe Mr. Konigsberg is a person of high moral quality and, to the best of my knowledge, Mr. Konigsberg will be an asset to the legal profession as a practicing lawyer.

Very truly yours,

Diego Bermudez, M. D.

DB:bb

[fol. 346]

H. I. LEE, M. D.
6333 Wilshire Boulevard
Los Angeles 48, California
WEbster 1-4455

December 12, 1953

Committee of Bar Examiners
State of California
Los Angeles, California

Dear Sirs:

Mr. Raphael Koenigsberg has been known to me for the past 12 years, when we were both associated with the City of Hope Tuberculosis Sanatorium in Duarte, Cali-

fornia. At that time Mr. Koenigsberg held an administrative position as manager of the Sanatorium and in my capacity as the Assistant Medical Director I had occasion to become well acquainted with his ability and character.

In my opinion I have found his moral and ethical standards to be of the highest caliber. He possesses qualities of sound judgment and great initiative. Mr. Koenigsberg has impressed me as a man representing the finest ideals of Americanism and without qualification I approve his fitness for the practice of law.

Very truly yours,

H. I. Lee, M.D.

HIL:lk

[fol. 347] Committee of Bar Examiners

Los Angeles
California

Gentlemen:

This information is being forwarded for your consideration relative to Mr. Raphael Konigsberg, at his request.

I have known Mr. Konigsberg for approximately eight years, during which I was Assistant Medical Director, then Medical Director of the City of Hope Hospital, Duarte, California. Mr. Konigsberg served in the Social Service Department of that institution and under my supervision. Since I am no longer connected with the hospital and its personnel records are not available to me, I cannot supply you with the specific dates of his employment, but can say that the association extended over several years. During this period, he performed his duties diligently and conscientiously, and insofar as my knowledge goes, displayed satisfactory ethics and moral character. His eventual separation from this position came about as a result of an irreconcilable difference of opinion with the hospital's Board of Directors.

I trust that this information will be of assistance to you.

Very truly yours,

Arthur E. T. Rogers, M.D.

1665 Irvine Avenue
Costa Mesa, California

December 22, 1953.

[fol. 348] B'NAI B'RITH HILLEL FOUNDATIONS AT AMERICAN UNIVERSITIES

December 23, 1953

Committee of Bar Examiners
Los Angeles, California

Dear Sirs:

I am very happy to provide a character reference on behalf of Mr. Raphael Koenigsberg who has recently taken the State Bar Examinations. Mr. Koenigsberg has been known to me during the past fifteen to seventeen years, particularly during the period when he served in a number of executive capacities in the field of social work.

During my acquaintance with him, I have always regarded Mr. Koenigsberg as a person of exemplary character, genuine honesty and integrity, and thorough reliability. I have been impressed by his intellectual capacity and achievements, his genial and outgoing personality, and the splendid atmosphere which prevails in his home and in his filial relationships.

I unreservedly recommend Mr. Koenigsberg as a person who is morally and ethically qualified to serve as a member of the Board.

Sincerely yours,

Rabbi Jehudah M. Cohen
Pacific Regional Director

JMC:as

[fol. 349] DEPARTMENT OF HEALTH
AND HOSPITALS

Archdiocese of Los Angeles

1531 West Ninth Street

Los Angeles 15, California

December 14, 1953

Committee of Bar Examiners
Los Angeles, California

Gentlemen:

I am writing you on behalf of RAPHAEL KONIGSBERG, now residing at 2446 Echo Park Avenue, Los Angeles.

I wish to advise that I was well acquainted with him between the years 1936 and 1940. During that period he was employed as a member of the staff of the Council of Social Agencies in Los Angeles. He enjoyed an excellent reputation among all who were acquainted with him during those years.

Mr. Konigsberg resigned his position with the above-mentioned Council of Social Agencies and accepted an assignment with the newly-established State Relief Administration. Later he joined the armed forces and I assume he will present to you references from persons who knew him in the succeeding years.

I do not hesitate to recommend him to you. I am satisfied that he will measure up to the high requirements established for members of the legal profession.

Sincerely yours,

(Rt. Rev. Msgr.) Thomas J. O'Dwyer

TJO'D:S

[fol. 350] WILSHIRE BOULEVARD TEMPLE

Congregation B'nai B'rith

Wilshire and Hobart Boulevards

Los Angeles 5, California

December 16, 1953

"RELIGION—Our most constructive defense"

Committee of Bar Examiners
Los Angeles, California

Gentlemen:

This letter is written in response to a recent request from Mr. Raphael Konigsberg to furnish your Committee with my appraisal of his character and qualifications.

I men Mr. Konigsberg more than 15 years ago at a time when he was being considered as Director of Social Welfare for the Jewish Consumptive Relief Association. As a result of the impression made upon our Committee, he was engaged and served most capably in this capacity for a number of years, until the outbreak of World War II, when he was granted leave to enlist in the United States Army. It is my information he acquitted himself creditably while with the armed forces, and following his discharge was reengaged as a social worker by the Association. My tenure as Trustee of the above mentioned institution terminated about 1948, as well as my contact with Mr. Konigsberg.

From my personal knowledge I would recommend this gentleman to you for consideration in granting him all privileges should he pass, believing he is of the caliber required to make an excellent lawyer who will serve his clientele conscientiously as well as in the observance of the ethical standards of the Bar.

Yours very truly,

Samuel Tierman

ST/fg

[fol. 351] UNIVERSITY OF SOUTHERN CALIFORNIA

3518 University Avenue

Los Angeles 7

December 22, 1953

Committee of Bar Examiners
Los Angeles, California

Gentlemen:

Mr. Raphael Konigsberg has asked me to write you concerning my opinion of his character and whether I think he would make a good lawyer. I am in no way qualified to give an opinion as to whether a given person would make a good lawyer or not. It is completely outside my field of interest.

I have known Mr. Konigsberg since 1946 when I made his acquaintance while I was a patient at the City of Hope and he returned to his position as Director of Social Service there. He was very enthusiastic, able and capable in his position and his ultimate discharge, in my opinion, was not in best interests of the City of Hope. Nevertheless, that event led him to reconsider his career in social service and to decide to enter upon the study of law.

Mr. Konigsberg is definitely a liberal and presumably with his law training would be particularly fitted for work on any legal questions involving organized charities and the welfare organizations, or perhaps labor relations. Mr. Konigsberg also is a man of rather definite ideas and not too much inclined to compromise on what he thinks is right. He served as an officer in Germany in the last war and I personally know of nothing which would cause me to doubt his loyalty to the U.S. In short, I have the highest opinion of his character and insofar as that is decisive, I think he would make a very good lawyer.

Yours sincerely,

Ronald F. Brown, Chairman
Department of Chemistry

RFB dh

Signed by his secretary in his absence caused by illness

[fol. 352]

PENDLETON HOWARD
Professor of Law
The University of Southern California
Los Angeles 7, California

December 17, 1953

Mr. Graham L. Sterling, Jr.
Chairman, The Committee of Bar Examiners
2007 Central Tower
San Francisco 3, California

Dear Mr. Sterling:

Mr. Raphael Konigsberg, an applicant for admission to the State Bar, has asked me to write a letter in his behalf.

My acquaintanceship and knowledge of Mr. Konigsberg are limited wholly to the time when he was a student in the School of Law of the University of Southern California, where he was a member of several of my classes. His attitude seemed to me that of a serious and sincere student of law. So far as I know, his moral character and integrity were not under question by either his fellow students or members of the faculty.

Faithfully yours,

Pendleton Howard

[fol. 353] UNIVERSITY OF SOUTHERN CALIFORNIA

3518 University Avenue

Los Angeles 7

School of Law

December 11, 1953

Mr. Graham Sterling, Chairman
Committee of Bar Examiners
Los Angeles, California

Gentlemen:

Mr. Raphael Konigsberg has requested that I write a letter on his behalf setting forth my impressions of him as a student at this law school. I am happy to state for you those impressions for whatever they are worth. I should make clear however that I have no knowledge which would go to the question of Mr. Konigsberg's general character, since my sole contact with him was that of teacher-student. I do not know him socially or in any capacity outside school.

Mr. Konigsberg was one of approximately twelve students in my class in Administrative Law during the spring term of 1953. In that capacity, I was able to observe his views as expressed in class and his reactions to the various problems arising in the Administrative Law field. As you will realize, Administrative Law cuts across many other areas of the law, including civil rights, property rights and other basic constitutional law problems which have a large measure of political philosophy at their base.

It was my impression that Mr. Konigsberg is a man with the courage of his convictions, but not one who holds those convictions blindly or with any but the most honest motives. He seems to hold the Constitution in high esteem and is a vigorous supporter of civil rights. But it was interesting to note that despite his vigorous position, he showed a willingness to recognize the necessity from time to time of balancing the interests of the individual against the interests of society when the legislature takes action to protect society as a whole from

threatened dangers. Throughout our discussions—discussions in which there was ample opportunity to voice and advocate extreme views—Mr. Konigsberg showed a wholesome willingness to learn from others and to test the validity of his views in the competition of such discussions. He indicated to me an open-mindedness seemingly inconsistent with any calculated disregard of his duty as a loyal and conscientious citizen.

[fol. 354] Based solely then upon my contact with Mr. Konigsberg as a law student, I would have no hesitation in recommending him for admission to the bar.

Very truly yours,

Victor S. Netterville
Instructor in Law

VSN:bmc

[fol. 355] SOUTHERN CALIFORNIA
SOCIETY FOR MENTAL HYGIENE

3067 West Seventh Street

Los Angeles 5, Calif.

DUnkirk 7-8259

MEMORANDUM

TO: Committee of Bar Examiners, Los Angeles.

FROM: Chauncey A. Alexander.

SUBJECT: Raphael Konigsberg.

I have been asked by Mr. Raphael Konigsberg to forward to you a letter of character reference. I have known Mr. Konigsberg since 1940 in his various capacities in the social work field and through his participation in the professional associations of social work. Since I have been president of the Los Angeles Chapter of the American Association for Social Workers and in leadership there for many years, I have had occasion to know of the professional interests of many people in the Los Angeles Community. In my opinion Mr. Konigsberg is

devoted to the highest of professional standards and principles and is forthright in his expression and support of them.

In all the professional contacts that I have had with him, he has demonstrated a high standard of integrity and ability. I have had periodic occasion to participate with him in health and welfare agency committees, and he has demonstrated a devotion to democratic principles and participation.

I have had no occasion to be connected with his work on professional practices and hence am not in a position to make any judgments on that score.

If there are further specifics that I can provide you, please call upon me.

Chauncey A. Alexander

[fol. 356] 9800 Vidor Drive,

Los Angeles, December 15, 1953.

Committee of Bar Examiners,
Los Angeles,
California.

Gentlemen:

It is my understanding that Mr. Raphael Konigsberg has completed the necessary requirements to practice law in California, and that you would be interested in letters of reference, to establish his fitness to do so.

I first met Mr. Konigsberg approximately fifteen years ago when we were both employed as District Directors with the State Relief Administration. As social workers and administrators, we worked closely together, and I had ample opportunity to know him both professionally and socially.

Outstanding in my evaluation of him were his personal and professional integrity, his devotion to his work, and his interest and zealousness in conscientiously carrying out his responsibilities to the clients serviced by our agency.

His moral character has always been beyond reproach.

His responsibility as a family man is well established and this feeling has extended to his community.

As a psychiatric social worker, employed for many years in this community, I have no hesitancy in recommending Mr. Konigsberg for your consideration. I feel that he would bring many valuable assets into the practice of law.

Sincerely yours,

(Mrs.) Nonette Batavia
Psychiatric Social Worker

N
B
ls

[fol. 357] December 17, 1953

Committee of Bar Examiners
440 Roman Bldg.
458 S. Spring St.
Los Angeles, California

Gentlemen:

I should like to advise that I have known Raphael Konigsberg as a social worker from 1939 until the time he left the field to study for the Bar. He is a person of high moral character, straightforward and honest in his approach to all human problems. Conscientious, alert, well-informed, and articulate, he was always a leader in local social work and respected by its practitioners.

It is my considered opinion that Mr. Konigsberg will be a very fine attorney and a credit to the profession. I wish him every success in his new field and am sure that he will make as fine a contribution as he did to the field of social work.

I shall be glad to give any additional information which you may desire regarding Mr. Konigsberg. I can be addressed at the Jewish Centers Association, 590 N. Vermont Ave., Los Angeles 4, California. My title is Field Director.

Sincerely yours,

Joseph Esquith

JE:rl

[fol. 358] State of California

DEPARTMENT OF EDUCATION

Division of Special Schools and Services

Bureau of Vocational Rehabilitation

December 28, 1953

Committee of Bar Examiners
Los Angeles, California

Dear Sirs:

RE: Raphael Konigsberg

I have known Mr. Raphael Konigsberg for over ten years, both before he entered the army during World War II and again when he resumed his position as head of the Social Service Department at the Los Angeles Sanitorium, now the City of Hope.

During my frequent contacts with Mr. Konigsberg I found him to be responsible for his statements to the patients he served and to the agencies and individuals he dealt with in their behalf. He was always sincere in his efforts to better their conditions, and in developing programs for them, showing imagination and resourcefulness. At no time during my relationship with Mr. Konigsberg have I seen evidence of anything but excellent moral character.

I sincerely believe that with his strong desire to protect the rights of his fellowman and the integrity that he has, he will make an excellent attorney.

Very truly yours,

Harry I. Friedman
Assistant District Supervisor

HIF/ps
cc; Raphael Konigsberg
Edward Mosk

[fol. 359] State of California

DEPARTMENT OF EDUCATION

Division of Special Schools and Services

Bureau of Vocational Rehabilitation

December 16, 1953

Committee of Bar Examiners
Los Angeles, California

Gentlemen:

This letter is written in the interest of Mr. Raphael Konigsberg.

I have known Mr. Konigsberg for approximately fifteen years, during which time he was a resident of the City of Los Angeles with the exception of time served in the Army during the war.

In all my associations with Mr. Konigsberg, he has proved a person of unquestioned integrity and sincerity, and one who has devoted considerable time and energy to problems of community interest. His broad professional experience has, in my opinion, been excellent preparation for the practice of law. I believe that Mr. Konigsberg will make an eminent contribution to the legal profession.

On the basis of Mr. Konigsberg's fundamental qualities of character, I am happy to recommend him to you.

Respectfully,

Z. L. Gulledge

ZLG:mn

[fol. 359a] December 15, 1953

Committee of Bar Examiners
Los Angeles, California

Gentlemen:

It has come to my attention that Raphael Konigsberg is planning to take the State Bar Examination, having completed his work at the law school at the University of Southern California.

I first met Mr. Konigsberg when he came to Los Angeles about 1936 or 1937 as assistant in the Research Department of the Council of Social Agencies. I have not been in touch with him for several years, as he has not been actively engaged in social work but, to the best of my knowledge, Mr. Konigsberg is of good moral character and will, I am sure, make a good attorney.

Very truly yours,

Helen Hackett

HH:dt

[fol. 360] December 14, 1953.

Committee of Bar Examiners
Los Angeles, California

Gentlemen:

I have been asked to testify as to the moral fitness of Mr. Raphael Konigsberg with respect to the practice of law.

This is to certify that I have known Mr. Konigsberg as a fellow social worker and friend since 1935.

In my present position as Acting Director of the Mount Sinai Hospital and Clinic, I have had occasion to determine factually that he did a fine job in his capacity of head of social service of an allied agency, the City of Hope at Duarte.

Mr. Konigsberg and I were associated on various committees in connection with the American Association of

Social Workers. He commanded the respect of his fellow professional workers not only because of his effectiveness in the field generally and his leadership qualities but mostly because of his devotion to the cause of helping the undefpriviledged.

The community will be well served to have Mr. Konigsberg admitted to the practice of law. It gives me great please to write in his behalf.

Sincerely yours,

(Mrs.) Esther Nasatir,
2954½ N. Hyperion Avenue,
Los Angeles, 27, Calif.

[fol. 361] CEDARS OF LEBANON HOSPITAL

4833 Fountain Ave.

Los Angeles 29, California

December 16, 1953

Committee of Bar Examiners
Los Angeles, California

Gentlemen:

I am most happy to provide you with any information which will be of help concerning Mr. Raphael Konigsberg.

I first became acquainted with Mr. Konigsberg in his capacity as Director of Social Service, City of Hope Sanitarium, Duarte, California and served as a member of his staff in the capacity of supervisor from February, 1948 through August, 1949, at which time I left in order to take my present position as Director of Social Service at Cedars of Lebanon Hospital. During the time of our association I was most impressed by Mr. Konigsberg's sincerity and integrity, both as an individual and in his professional capacity. I found him to be a person of principled conviction and willing to defend his principles even at great personal sacrifice.

I was especially impressed with his concern for the total welfare of our patients and staff.

Sincerely yours,

(Mrs.) Jeanne G. Young, RSW
Director, Medical Social Service

JGY/nhg

[fol. 362]

THE VOICE

406 South Main Street

Los Angeles 13, California

Phone MIchigan 3867

Los Angeles, Calif.
Dec. 23, 1953

The Committee of Bar Examiners,
Los Angeles, Calif.

Gentlemen:

I am taking this opportunity to express to you my opinion of Mr. Raphael Konigsberg's fitness to be a lawyer because I am completely confident that he will be a valuable asset to the profession which he has chosen to follow.

In the fifteen years that I have known Mr. Konigsberg I have formed opinions of the man which make it a pleasure to tell you that he has the moral fitness and personal integrity to be a successful practicing attorney and at the same time having every characteristic which the Bar Association demands from its most successful members.

As music editor of the "Voice", my conversations with Mr. Konigsberg on cultural matters have proven to me that his broad and comprehensive knowledge of human affairs makes his future, as an attorney, one of brightness for the entire community.

Respectfully,

Morris Browda
associate editor, the "Voice"

[fol. 363]

Los Angeles, California

December 17, 1953.

Committee of Bar Examiners, Los Angeles.

Dear Sirs:

It has come to my attention, that one Raphael Konigsberg; is at present being considered for admission to the Bar for the practice of Law.

I hereby add my voice on his behalf. I have known Raphael and his family for the past 25 years, we were both students at Ohio State University and at the University of Southern California; and in my considered opinion he would be an asset to the Profession of Law.

To my knowledge he has always been kind, considerate, and understanding of people and their problems.

His admission to the Bar will contribute greatly to the already high moral standards of the legal profession.

very sincerely yours,

Gerald Kramer R.Ph.

411½ Postview St.
Los Angeles

[fol. 364] (Copy)

Received Sep. 6, 1956, Office of the Cler
U. S.

CITY OF HOPE MEDI
Duarte, Cal

Department of Laboratories

ıber 15, 1953.

Committee of Bar Exa
Los Angeles, Californ

OMIT-DUPLICATION

Gentlemen:

I have kno sberg since November 1946 when I ente the clinical Laboratory of the City of P d him sincere, responsible, and extrem s given himself full heartedly to ever dertaken and to any individual who car lp.

excellent and I believe he would make an

of Social Service at the City of Hope he was terested in the patients' problems but also see that the other facets of life such as cultural gious were attented to.

365] He has shown a strong interest in community

affairs such as community centers, nursery schools, and the Public School System.

I am a Clinical Laboratory Technologist employed at the City of Hope in the Clinical Laboratory as Chief Technician since 1946. I have lived in the Los Angeles area since 1923, except for my three years (1936-39) at the University of California at Berkeley and my five years in the army of the United States (1941-1946).

Since Mr. Konigsberg and I both lived in Los Angeles and worked in Duarte, we pooled our cars during 1946-1948 and hence saw each other daily. After I moved to Sierra Madre (1948) and Arcadia (1950) we saw each other frequently whenever I was in Los Angeles.

Trusting this information will be of value to you.

Sincerely, Nathan Paul.

[fol. 366] (Copy)

MRS. LOUIS H. WALDECK

6410 Lindenhurst Avenue, Los Angeles 46, California

Committee of Bar Examiners
Los Angeles, Calif.

Dear Sirs:

I have been asked by Raphael Konigsberg to tell you of my knowledge of his person over the period of my knowing him.

I first made his acquaintance in 1947 as a candidate for the Los Angeles Board of Education. As a mother of two children attending Public School, I took this election very seriously and found Raphael Konigsberg's platform to be an excellent one and his background one that would well-qualify him for such a post.

As a visitor only once at Duarte Sanatorium, I heard from a patient what a very fine job Raphael Konigsberg was doing as an Executive Social Worker in his work and programming to help the morale of the patients.

As a post-polio patient for over a year at Kabat-Kaiser Institute in Santa Monica, I met Raphael Konigsberg in the

[fol. 367] hall either in 1949 or 1950 and he explained he was there to discuss the possibility of a position there as Recreational Director in the field of Rehabilitation for post-polios. At the time, I remember wishing that he would take the job because I felt that here was a person of real warmth, understanding and compassion for people and that he would be a great asset in planning activity for the physically inactive.

I very humbly feel then that Raphael Konigsberg would make a fine lawyer because of the above reasons both as to his fine character and his rich background in the field of Education and Social Work.

Sincerely, Mrs. L. H. Waldeck.

December 21, 1953.

[fol. 368] (Copy)

JEAN SIEROTY

1002 North Rexford Drive—Beverly Hills, California

Jan. 2, 1954.

To the Committee of Bar Examiners,

I have known Raphael Konigsberg for a period of ten years and during that time found him honest, sound, and of good moral character.

Sincerely, Jean Sieroty.

[fol. 369] COPY

Law Office
CHARLES GARDNER BULLIS
606 West Olympic Blvd
Los Angeles, Calif.

Written at Ferriday, La.
March 15th, 1940

Mr. Raphael Konigsberg
Los Angeles, California

Dear Mr. Konigsberg:—

There has just come to my attention the news that you have been suspended from the SRA as District Case Supervisor. I am deeply and sincerely distressed at this act and will be happy to do anything which I can to aid in continuing to assure to our State and Community your services. I think you, and the Administration know that I have no ax to grind, no personal favors to repay and no person whom I have to advocate on a basis of just personal friendship. I have come to know of you and your work and your purposes solely thru my contact in our mutual service in Committee work of the Council of Social Agencies. Frequently you and I may have differed on items or practices or even philosophy but I have never found any occasion but to admire you in the high purposes, in the intelligent grasp and efficient execution of any task set before you. I know that you would so act in your discharge of duties with the S.R.A.; I am convinced it is your makeup and you would give the same high standard of service to any cause with which you are associated and always for good government and Americanism. I admire your courage and your individualism which is always expressed with the constructive trimmings of tact and tolerance. I honestly believe your dismissal would be a real blow at efficient and honest administration. I am so writing Mr. Walter Chambers whom I cannot believe is a party to this move and you

are free to use my name and this letter before any appeal Board or in any way that will retain you in the S.R.A. service. They could not find anyone better qualified and I would unhesitatingly 100% recommend you for any place which required ability and honesty and familiarity with the problems of the work you have been accomplishing. This letter is written with deep conviction and with absolutely no purpose except an honest consideration of the highest type of public service.

With sincere respects to you and every good wish,

Sincerely

Gardner Bullis
(President, L.A. Council of Social Agencies)

[fol. 370] COPY

Pasadena, California
March 13, 1940

Mr. Raphael Konigsberg
Los Angeles, California

Dear Mr. Konigsberg:

Very sorry indeed to learn that you have been suspended from your position as District Case Supervisor in the State Relief Administration.

I am at a loss to understand how it would be possible to bring the charges of "unprofessional conduct and disloyalty" against you, for one who has been in contact with you professionally for some time would know that you would never be guilty of unprofessional conduct.

We have always admired your painstaking and unselfish pursuit of the ideals of our profession of social work. Such fine professional conduct means that it would be impossible for you to be disloyal. On the other hand, I can understand perfectly how you might create criticism for yourself as a result of what I know to be your strong feeling against mixing politics and relief,—

which, of course, is the feeling of all good professional social workers.

I feel very certain that with a fair and just hearing that you will be found blameless.

With every good wish, I am

Very sincerely yours,

/s/ Matthew P. Adams
(Exec. Sec'y., Children's Home Society)

MPA:d

[fol. 371] COPY

HARRY F. HENDERSON
1703 Oak Street
South Pasadena, Calif.

March 13, 1940

Mr. Raphael Konigsberg
Los Angeles, California

Dear Mr. Konigsberg:—

Information has reached me that you have been accused of unprofessional conduct and that your integrity has been questioned. You and I have not worked in close relations since you resigned from the position you filled so ably at the Council of Social Agencies in Los Angeles. My knowledge of you there however plus the less frequent contacts since, convinced me that you are not that kind of a person. I have always regarded you as a person of the highest professional standards and I have never had occasion to change my judgment.

I deeply regret the present difficulties that have come to you. I am sure that any charges as listed above are the result of mis-information and that they can easily be cleared up when the facts are known. I hope all the difficulties can be quickly resolved.

Yours very truly,

/s/ Herry F. Henderson
(Former Exec. Director, Los Angeles YMCA)

[fol. 372] COPY

Los Angeles, California

March 12, 1940

To Whom It May Concern:

I am employed in the community and am a member of two important national professional bodies which sponsor the highest standards of social work—the American Association of Social Workers and the American Association of Psychiatric Social Workers. Last year I was the vice-chairman of the former local chapter and this year I am the chairman of the latter local group.

It has been my privilege to know Raphael Konigsberg in a professional capacity for the past several years, particularly in relation to executive committee activities of the American Association of Social Workers and Social Work Today.

Because of his live-wire, honestly direct and analytical approach to all manner of social problems, my observation has particularly focused on Mr. Konigsberg. Fortunately, he is a vocal person and has been able to articulate his views on issues of professional significance, having to do with worker-client relations, personnel practices, etc.

Though at times, as in all honorable groups, there have been differences of opinion, I have never known Raphael Konigsberg to deviate from the professional role, in its finest sense. He may have defended a measure vigorously but if counter expressions convinced him, he has been able to concede in a truly gracious manner without hostility or without leaving any odor of the recanter or sycophant.

I am impressed with the man's sensitiveness in the matter of human relations, his ability to think clearly and cleanly even when this thinking is in opposition to what may be considered at the moment, acceptable to a particular group.

[fol. 373] One gets to know a person rather well through committee work over a period of time. I believe profes-

sional conduct has literally and figuratively been the keystone of Mr. Konigsberg's relationships.

Very sincerely your,

/s/ Ernestine Lewin,
Psychiatric Social Worker
(L.A. County Probation Dept.)

EL:ELB

[fol. 374] March 4, 1939

Mr. Benjamin F. Culver
Acting Director of Personnel
California State Relief Administration
180 New Montgomery Street
San Francisco, California

Dear Mr. Culver:

I am in receipt of your letter of March 3 relative to Mr. Raphael Konigsberg who was employed, as stated in your letter, for the Council of Social Agencies in the position and at the salary which you give, and during the periods which you list.

In the spring of 1936, when I was establishing a Research Department in the Council, I searched diligently for a Director and an Assistant who were educationally qualified in social work and with such experience and personality as to qualify them for the organization of our department. I considered numbers of applicants and interviewed many, not only in Los Angeles but in Chicago, Washington, New York and Atlantic City, where the National Conference was being held that year. From this large group I selected Mr. Konigsberg who, at that time, was in the employ of the Federal government in Washington, D. C., in a research position. Mr. Konigsberg had excellent references which I have filed in my office and I shall be glad to have copies made if you wish them.

Ms. Konigsberg lived up to every expectation which I held for him and it was with real regret that I saw him leave us. The position to which he went offered wider

opportunities and much higher salary, and it was to his own interests and that of the community that he accepted the position with the Jewish Community Council of Los Angeles.

I admire Mr. Konigsberg for his intellectual ability, his conscientious devotion to his ideals and his work. I believe that the public service will be the better for his employment in it. If I can give you any further information about Mr. Konigsberg, I shall be pleased to do so.

Sincerely yours,

Mary Stanton,
Executive Secretary.

[fol. 375] March 22, 1940

Copy

Mr. Walter P. Chambers
State Relief Administration
155 W. Washington
Los Angeles, California

Dear Mr. Chambers:

As you probably know, I am a member of the committee which is undertaking to "sponsor" the case of Raphael Konigsberg and to gather in his credentials as a professional worker. In this connection I feel that I should write you regarding my own knowledge of Mr. Konigsberg and my impressions relative to the present difficulty.

I have been well acquainted with Mr. Konigsberg ever since he came to California (which has now been several years) and for almost all of those years I have been in close contact with him and whatever work he was doing. I share the very high opinion which is general throughout social work of Mr. Konigsberg's professional integrity and of his utter sincerity of character. I also know that he has had very solid training in his profession and that he has shown unusual and outstanding ability in every piece of work which he has undertaken. I would call Mr. Konigsberg an unusually talented and intelligent social worker.

As you will remember, I sought for Mr. Konigsberg's assistance as the head of one of my departments during the short period last year when I was loaned to the State Relief Administration as Director of its Non-Resident Bureau. I then had the opportunity to see for myself that Mr. Konigsberg was as well equipped and as able as I had previously thought him to be from my more remote contacts in various community enterprises in which we were both engaged.

During all of the years that I have known Raphael I have found him to be absolutely honest in the broadest sense of this word and to have a type of professional integrity which is unfortunately rare even in social workers —that type which will actually lead a person to sacrifice his position and be in danger of going hungry rather than stain his professional honor and violate his code of ethics. As we grow older it becomes more difficult to disillusion any of us but I should suffer a fresh disillusionment if I found that Raphael Konigsberg had acted in a manner which would cause shame or embarrassment to honorable professional colleagues! . . .

It would be horrifying to our whole professional group that a man such as Raphael Konigsberg should be suspended or dismissed at the behest of such a low type of political appointment as Mr. Waters seems to be. It is difficult to find a much cheaper type of person than a man who boasts to his whole staff that he has been appointed because of his contributions to the party.

It is my belief that you have not had an opportunity to give attention to this episode in all its ramifications, and that when you do so, you will immediately correct the injustice to Raphael Konigsberg by reinstating him in office. I wish to add my earnest request to that of many others in the American Association of Social Workers that you do this at the earliest possible moment.

Sincerely yours,

(Mrs.) Dorothy Wysor Smith,
Executive Secretary,
Travelers Aid Society
of Los Angeles.

[fol. 376] STATE OF CALIFORNIA

Department of Mental Hygiene
1320 K Street
Sacramento

February 4, 1954

Committee of Bar Examiners
Los Angeles, California

Gentlemen:

I recently received word from Mr. Raphael Konigsberg that he took the bar examination in October and that the Bar Examiners are interested in receiving references as to his character.

I have known Mr. Konigsberg for about 18 years and had fairly frequent contact with him during the earlier part of this period while we were both working as social work executives. I found him to be an unusually honest, sincere and dependable person, and one who was constantly dedicated to the welfare of the people he served. I was sorry to see him leave the field of social work where I feel he made a real contribution, but believe that he should bring to the profession of law an integrity and social perspective that would enable him to do a constructive job, primarily because of his interest in service rather than the material gains that might be derived.

I have not been in touch with him except sporadically during the past eight or ten years, but from the reports I have heard about his work it would seem that he has continued his good reputation.

Very sincerely yours,

Nathan Sloate,
Chief of Social Service.

NS:vb

TABLE OF AUTHORITIES CITED

Statutes	Page
Business and Professions Code, Secs. 6000-6154	7
Business and Professions Code, Sec. 6060(c)	8, 9, 11
Business and Professions Code, Sec. 6064.1	8, 9, 11
State Bar Act (Stats. 1939, Chap. 34, p. 347)	7

Rules	
Rules of the California State Bar, Rule X, Sec. 101	8

[File endorsement omitted]

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

RAPHAEL KONIGSBERG, *Petitioner,*

vs.

THE STATE BAR OF CALIFORNIA, AND THE COMMITTEE OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA, *Respondents*

ANSWER OF RESPONDENTS TO PETITION TO REVIEW, UNDER RULE 59(b), RULES ON APPEAL, DENIAL OF APPLICATION FOR CERTIFICATION TO THE SUPREME COURT FOR ADMISSION TO PRACTICE LAW—Filed September 7, 1954

Answering the petition herein of Raphael Konigsberg, the respondents admit, deny and allege as follows:

1. Admit the allegations of Paragraph 1 of the petition that petitioner registered as a law student on the form prescribed by the Committee of Bar Examiners, and that said Committee is a duly established committee under the authority of the State Bar Act.

2. Denies the allegations of Paragraph 2 of the petition that the applicant fully, truthfully or accurately fulfilled all of the conditions and requirements established for permission to take the written bar examination in October of 1953. Respondents allege that petitioner was granted permission to take said bar examination upon the express understanding and condition that no determination had been made as to his good moral character and that no steps would be taken to certify him to this Honorable Court for admission to practice law in the State of California until and unless an affirmative determination of good moral character was made.

Respondents allege that petitioner did not fully, truthfully and accurately answer the following questions con-

tained in his registration statement as a law student in that in said statement [Ex. 4] petitioner made the following answers to the following questions:

"4. Moral Character and Fitness:

(a) Have you ever been summoned, arrested, taken into custody, indicted, convicted *or* tried for *or* charged with, *or* pleaded guilty to, the violation of any law or ordinance or the commission of any felony or misdemeanor (Include all such incidents no matter how minor the infraction or whether guilty or not. Although a conviction may have been expunged from the records by order of court it nevertheless must be disclosed in your answer to this question)?

No

(Yes or No)

If so, state the facts completely but concisely for each case, and give the date, name and nature of the offense, name and locality of court, and disposition of each such matter.

* * * * * * *

(c) Have you ever been a party to or had or claimed an interest in any civil proceedings?

No

(Yes or No)

If so, give details.

* * * * * * *

(j) Is there any incident of a derogatory nature in your life not called for by the foregoing questions which may have some bearing on your character and fitness to practice law?

None

(Yes or No)
If so, state facts fully but concisely."

But, in petitioner's Bar Application [Ex. 5] his answers show that he was guilty of seven traffic violations, had been a party to a Small Claims Court action and had made appearances before the "Tenney Committee" and the "Dilworth Committee" in connection with his association with certain communist front organizations. All of these matters occurred prior to the filing of the Registration Statement and should have been included in a full, truthful and accurate answer of the questions listed above.

Respondents allege on information and belief that petitioner was associated with the communist party and participated or acquiesced in actions of that party, all of which are matters casting doubt on his character or fitness to practice law and should have been included in a full, truthful and accurate answer to question 4(j) of the registration statement. Question 22 of the Bar Application is identical to question 4(j) of the registration statement, and respondents further allege on information and belief that petitioner's "No" answer to question 22 is not a full, truthful and accurate answer in that it fails to mention or explain his apparent connections with the communist party and the immoral acts thereof.

Respondents have no information or belief sufficient to enable them to admit the allegation that the other conditions and requirements of taking the bar examination were fully, truthfully and accurately fulfilled and for that reason deny the same.

3. Admit the allegations of Paragraph 3 of the petition that petitioner passed the October 1953 bar examination and thereby fulfilled the requirements of the Bar Examiners in this particular.

4. Admit the allegations of Paragraph 4 of the petition that petitioner personally appeared at hearings before the Southern Subcommittee of the Committee of Bar Examiners on the 25th day of September, 1953, the 9th day of December, 1953, and the 27th day of January, 1954; that petitioner's Exhibit "A" is a full, true and correct copy of the official reporter's transcript of these hearings; that on the 8th day of February, 1954, the Southern Subcommittee of the Committee of Bar Examiners informed petitioner that his application for certification for admission to the Bar in the State of California had been denied; and that petitioner thereafter informed the Committee of Bar Examiners that he desired to appeal to the full Committee of the Committee of Bar Examiners. Respondents deny the allegation in Paragraph 4 of the petition that petitioner was directed to appear before the Southern Subcommittee of the Committee of Bar Examiners. Respondents allege that on or about the 18th day of September, 1953, petitioner was advised by the Committee of Bar Examiners that his application to take the October, 1953, bar examination would be considered by the Southern Subcommittee on the 25th day of September, 1953, and that petitioner was invited to appear. Respondents further allege that petitioner voluntarily appeared at the September 25, 1953, hearing, that petitioner was informed of evidence which had come to the attention of the Subcommittee and which raised doubts whether petitioner was qualified for admission to the State Bar of California, that petitioner was questioned under oath concerning such evidence and as to other matters relevant to his qualifications as a member of the State Bar of California, that additional hearings were held by the Subcommittee on the 9th day of December, 1953, and the 27th day of January, 1954, that petitioner attended these hearings, represented by counsel, and was given a full and complete opportunity to present affirmative evidence of his fit-

ness to practice law, and to question, explain or otherwise comment on the evidence against him (including the right to cross-examine the witness who had testified against him). Petitioner, through counsel, has affirmed that he was given a full, complete and fair hearing by the Southern Subcommittee of the Committee of Bar Examiners.

5. Admit the allegations of Paragraph 5 of the petition relative to the hearing before the full Committee of Bar Examiners, and allege that said hearing was full, complete and fair in all its aspects.

Petitioner has not included in his Record on Appeal the Exhibits presented in the hearings before the Committee and the Subcommittee. Since these Exhibits formed an integral part of the hearings and were given due consideration by the Committee in arriving at its decision, they are necessary to complete consideration of this appeal. Accordingly, respondents have transmitted the originals of all exhibits introduced at the Committee and Subcommittee Hearings as listed below:

COMMITTEE EXHIBITS

1. Photostats of California Eagle columns written by Raphael Konigsberg.

2. Konigsberg's testimony before the Tenney Committee.

3. Konigsberg's written statement to the Tenney Committee.

4. Konigsberg's Registration as a law student.

5. Konigsberg's Bar Application.

6. Photostats of pages from the California Eagle on which Konigsberg's columns appear. (All of Konigsberg's columns included here are also set forth in Exhibit 1, but Exhibit 6 places them in the context in which they appeared.)

KONIGSBERG'S EXHIBITS

A. War Department Technical Manual (TM 28-210).

B. War Department Mobilization Regulation ("Morale").

C. Army Orientation Fact Sheet.

D. Article by Raphael Konigsberg published in the National Jewish Monthly in 1944, entitled "Why I Am in This Fight."

E. File of letters attesting to Konigsberg's good moral character.

F. Legal memorandum in support of Konigsberg's Application.

G. Newspaper clippings of the "Law in Action" column discussing witnesses' privileges.

6. Admit the allegations of Paragraph 6 of the petition relative to the denial by the full Committee of Bar Examiners of petitioner's application and that the letter attached as Exhibit "D" is a true copy of the Committee's letter informing the petitioner of this denial.

7. Admit the allegations of Paragraph 7 of the petition.

8. Deny generally and specifically each and all of the allegations of Paragraph 8 of the petition.

For a Further, Separate And Affirmative Answer To Said Petition, Respondents Allege:

1. Respondent, The State Bar of California, is and was at all times mentioned herein a public corporation organized and existing under and by virtue of the State Bar Act (Stats. 1939, Ch. 34, p. 347, as amended; Ch. 4, comprising Secs. 6000 to 6154, incl., Div. III of the Bus. and Prof. Code);

2. Respondent, Committee of Bar Examiners of The State Bar of California, is and was at all times mentioned

herein the Committee established by the Board of Governors of respondent State Bar, having the power:

(a) to examine all applicants for admission to practice law;

(b) to administer the requirements for admission to practice;

(c) to certify to the Supreme Court for admission those applicants who fulfill the requirements provided in said chapter.

At all times mentioned herein the statutory requirements for admission to practice included (Cal. Bus. and Prof. Code, Secs. 6060(c) and 6064.1):

"§ 6060. *Qualifications for applicants.* To be certified to the Supreme Court for admission and a license to practice law, a person who does not comply with Section 6062 shall:

(c) Be of good moral character.

6064.1. *One advocating the overthrow of government not to be admitted.* No person who advocates the overthrow of the Government of the United States or of this State by force, violence, or other unconstitutional means, shall be certified to the Supreme Court for admission and a license to practice law."

Pursuant to the provisions of the State Bar Act, Chapter 4, Division III, of the Business and Professions Code, said Committee of Bar Examiners, prior to the matters referred to in said petition and in this answer, had adopted, and the Board of Governors of The State Bar of California had approved certain rules regulating admission to practice law in California, which rules were in full force and effect at the time of the occurrences referred to in said petition and in this answer. Section 101 of Rule X of said

Rules interprets and provides for the application of California Business and Professions Code, Section 6060(c):

> "Section 101. Every applicant shall be of good moral character. Investigations in reference to the moral character of applicants may be informal, but shall be thorough, with the object of ascertaining the truth. Neither the hearsy rule, nor any other technical rule of evidence, need be observed; but an applicant shall be advised of any and all information received by the committee adversely bearing on his moral character upon which a denial of recommendation by the committee is based, and he shall be given a reasonable opportunity to rebut or explain the same. The applicant shall have the burden of proving that he is possessed of good moral character, of removing any and all reasonable suspicion of moral unfitness, and that he is entitled to the high regard and confidence of the public."

3. On or about the 4th day of December, 1950, petitioner filed with respondents a sworn registration as a law student, and on or about June 30, 1953 filed with respondents his sworn application for examination to practice law. Each was on the form prescribed by respondents. In each case the applicant replied in the negative to the question:

> "Is there any incident of a derogatory nature in your life not called for by the foregoing questions that may have some bearing on your character and fitness to practice law?"

Information received by the Committee of Bar Examiners led the Committee to question the truth and propriety of petitioner's answer and to suspect that petitioner might not qualify under California Business and Professions Code, Sections 6060(c) and 6064.1. Accordingly, petitioner was invited to appear at a hearing before the Southern Sub-

committee of the Committee of Bar Examiners on the 25th day of September, 1953, at which time he was informed of evidence raising doubts as to his fitness to practice law, and was questioned concerning such evidence and other matters relevant to his qualifications to become a member of the State Bar of California.

No determination regarding petitioner's moral character and fitness was made at the September 25, 1953 hearing, and petitioner was allowed to take the October, 1953 bar examination on the express understanding and condition that, regardless of the results of his bar examination, no steps would be taken to admit him to the Bar until his moral fitness was established.

4. Petitioner passed the October, 1953 bar examination.

5. Additional hearings to determine petitioner's compliance with the requirements for admission to the State Bar of California were held before the Southern Subcommittee of the Committee of Bar Examiners on the 9th day of December, 1953 and the 27th day of January, 1954. Petitioner was present, with counsel, at said hearings and was given a full and fair opportunity to answer, explain, or comment on the detrimental evidence, cross-examine the witness against him, and affirmatively present any evidence or statements showing his moral fitness. Petitioner, through his attorney, has stated that said hearings were absolutely fair and impartial. A full, true and correct copy of the official reporter's transcript is attached to the applicant's petition as Exhibit "A."

6. On or before the 8th day of February, 1954 the Southern Subcommittee of the Committee of Bar Examiners considered all of the evidence which had been presented, and determined that petitioner had failed to show his good moral character so that his application must be denied. On or about the 8th day of February, 1954 said Subcommittee informed the petitioner in writing of the denial of his appli-

cation and the reasons therefor. Petitioner thereup informed the Committee of Bar Examiners that he desired to appeal to the full Committee of the Committee of Bar Examiners.

7. On the 13th day of March, 1954, a hearing was held before the full Committee of Bar Examiners in the City of Los Angeles, and evidence, both oral and documentary, was taken. Petitioner has never questioned the completeness, fairness or impartiality of said hearing. A full, true and correct copy of the official reporter's transcript of said hearing is attached to petition as Exhibit "B."

On or prior to the 17th day of May, 1954 respondents considered all of the evidence which had been introduced, and determined that petitioner had not sustained the burden of proof that he was possessor of the good moral character required by California Business and Professions Code, Section 6060(c) and that he had not complied with Section 6064.1 of said Code, so that his application must be denied. Petitioner was notified of this decision and the reasons therefor by letter dated May 17, 1954.

8. Petitioner has not complied with the requirements of California Business and Professions Code, Sections 6060(c) and 6064.1 and so is not entitled to be and should not be admitted to practice law in the State of California.

Wherefore, respondents pray that it be adjudged that the application of petitioner was properly denied by respondents and that petitioner is not entitled to be admitted to practice law in the State of California.

Ralph E. Lewis, Robert D. Burch, Frank B. Belcher,
by Frank B. Belcher, Attorneys for Respondents.

Duly sworn to by Alma Stayton. Jurat omitted in printing.

Proof of service (omitted in printing).